

<b>PHA 5-Year and Annual Plan</b>	<b>U.S. Department of Housing and Urban Development</b> <b>Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226</b> <b>Expires 4/30/2011</b>
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<b>1.0</b>	<b>PHA Information</b> PHA Name: <u>MUNICIPALITY OF VILLALBA</u> PHA Code: <u>RQ049</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2010</u>					
<b>2.0</b>	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>84</u>					
<b>3.0</b>	<b>Submission Type</b> <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only					
<b>4.0</b>	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)					
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
					PH	HCV
	PHA 1:					
	PHA 2:					
	PHA 3:					
<b>5.0</b>	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.					
<b>5.1</b>	<b>Mission.</b> State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:  The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.					
<b>5.2</b>	<b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.  <div style="margin-left: 20px;">           PHA Goal #1- Expand the supply of assisted housing            Specific Objectives:           <ul style="list-style-type: none"> <li>Apply for additional voucher when available</li> <li>Leverage private or other public funds to create additional housing opportunities by combining State and local funds to create additional housing opportunities for low income persons</li> </ul> </div> <div style="margin-left: 20px;">           PHA Goal #2- Improve the quality of assisted housing            Specific Objectives:           <ul style="list-style-type: none"> <li>Improve voucher management to maintain SEMAP's highest score</li> <li>Increase customer satisfaction by enforcing the Housing Quality Standards</li> <li>Concentrate on efforts to improve specific management functions by maintaining the PHA staff updated with policies and occupational trainings</li> </ul> </div> <div style="margin-left: 20px;">           PHA Goal #3- Increase assisted housing choices            Specific Objectives:           <ul style="list-style-type: none"> <li>Provide voucher mobility counseling during the initial briefings and as required, tenants will be oriented about portability and mobility</li> <li>Conduct outreach efforts to potential voucher landlords</li> <li>When necessary increase voucher payment standards</li> <li>Continue with the implement of the Housing Choice Voucher homeownership program</li> </ul> </div> <div style="margin-left: 20px;">           PHA Goal #4- Promote self-sufficiency and asset development of families and individuals            Specific Objectives:           <ul style="list-style-type: none"> <li>Provide or attract supportive services to improve assistance recipients' employability</li> <li>Make alliances with public (WIA) and private organizations to provide supportive educational services to tenants</li> </ul> </div> <div style="margin-left: 20px;">           PHA Goal #5- Ensure Equal Opportunity in Housing            Specific Objectives:           <ul style="list-style-type: none"> <li>Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability including publishing notices indicating that housing vouchers are available regardless of race, color, religion, national origin, sex, familial status, and disability.</li> <li>Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability by offering referrals and briefings regarding housing and job opportunities and providing briefings and handouts regarding Fair Housing and Equal Opportunity</li> </ul> </div>					

	<p><b>PHA Progress in Meeting the Goals and Objectives Described in the 5-Year Plan for FY 2005-2010:</b></p> <p>During the past years, the municipality made progress toward accomplishing these objectives. Highlights of achievements are as follows:</p> <ul style="list-style-type: none"> <li>• The Municipality of Villalba kept searching for opportunities to apply for additional rental voucher by a Proposal to the Fair Share Allocation of Incremental Voucher Funding (NOFA) as they become available, and requirements were met</li> <li>• Several landlords were oriented about the section 8 program requirements and enrollment requirements</li> <li>• In the initial briefings and as required, tenants were oriented about the mobility and portability options of the voucher program.</li> <li>• At least once a year, meetings are conducted with the tenants, where they are informed about the options and opportunities to acquire a job or self-sufficiency. In this meeting a person, who actually acquire her self-sufficiency and homeownership through out the Program efforts, talk to audience about her experience and personal achievements. Also, the Municipality invites persons from Social Services Department, representatives from other programs in the Municipality, from the Consortium (Law 52) and financial agencies.</li> <li>• Promotional flyers are posted in the different Governmental Agencies, such as Social Services, the City Hall, the Consortium, etc., to promote the Program among potential landlords.</li> <li>• Reviewing the payment standards</li> <li>• Briefings were given to the participants interested in the Homeownership Option</li> <li>• Some personnel was trained to enhance the HQS and regarding the Homeownership Option</li> <li>• Assistance to HUD trainings/orientation meetings. Training was given to the personnel in different capabilities areas. Such as: HQS, Section 8 Management, trainings offered by HUD and OCAM (PR Office of the Commissioner of Municipal Affairs), Ethics and Rent Calculation.</li> <li>• Provided funding for the Housing Rehabilitation.</li> <li>• The Municipality endorsed the housing project “Hogar Seguro”, which promotes the relocation of persons from areas classified as of high risk for disasters to safe places.</li> <li>• Supportive services are offered to the elderly and families with disabilities through out transportation and food services. (Paratransit Plan)</li> <li>• The Municipality continues assisting an Elderly Housing (“Egida”) Complex and an Elderly Center.</li> <li>• Tenants were oriented about job training and placement opportunities in the municipality and referrals were made to designate (private and governmental) agencies. It includes: coordinate job training and placement opportunities through a Consortium (Law 52) with others Municipalities.</li> <li>• Achieved and maintained the High Performance Level on SEMAP</li> <li>• The waiting list system was enhanced.</li> <li>• The Section 8 participants were oriented and announcements published, regarding their rights and how does the Program works.</li> <li>• Tenants are oriented regarding the Equal Opportunity Act and the Hearing/Complaints processes</li> <li>• Equal opportunity was offered to all participants including persons with disabilities</li> <li>• Equal opportunity handouts and other orientation material are available for participants</li> <li>• Equal opportunity handout is placed on the PHA main office</li> </ul> <p><b>Sexual Offenders and VAWA Policies</b></p> <p>See Appendix 2</p>
6.0	<p><b>PHA Plan Update</b></p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>None</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan.</p> <p><b>All documents related to the PHA plan will be available at:</b></p> <p>Departamento de Sección 8 Anexo Casa Alcaldía – Piso 2 Villalba, Puerto Rico</p>
7.0	<p><b>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</b> <i>Include statements related to these programs as applicable.</i></p> <p><u>HOMEONWERSHIP PROGRAM</u></p> <p>The Municipality of Villalba administers a Section 8 Homeownership Program since FY2000. The PHA will continue the implementation of the homeownership program in accordance with the administrative plan. The Municipality will limit the participation for the Program to 10 families.</p> <p>The Section 8 Program Director has vast knowledge in the banking sector with more than 15-years of experience. This experience allows him to administrate the homeownership and to understand the financial processes and to counsel the tenants which are interest to own a house.</p>
8.0	<p><b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable.</p> <p>N/A</p>

8.1	<p><b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>N/A</p>
8.2	<p><b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>N/A</p>
8.3	<p><b>Capital Fund Financing Program (CFFP).</b>  <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p> <p>N/A</p>
9.0	<p><b>Housing Needs.</b> Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p>See Appendix 1</p>

9.1	<p><b>Strategy for Addressing Housing Needs.</b> Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p> <p><u>Identified Need #1:</u> Shortage of affordable housing for all eligible populations</p> <p>Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:</p> <ul style="list-style-type: none"> <li>• Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction</li> <li>• Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required. The PHA will identify housing units based on the size needs of the families.</li> <li>• Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration. At least one orientation meeting will be conducted to inform potential landlords of leasing opportunities.</li> <li>• Participate in the Consolidated Plan development process to ensure coordination with broader community strategies. Assist to Consolidate Plan Public Hearing</li> </ul> <p>Strategy 2: Increase the number of affordable housing units by:</p> <ul style="list-style-type: none"> <li>• Apply for additional section 8 units should they become available</li> </ul> <p><u>Identified Need #2:</u> Specific Family Types: Families at or below 30% of median</p> <p>Strategy 1: Target available assistance to families at or below 30 % of AMI</p> <ul style="list-style-type: none"> <li>• Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance</li> </ul> <p><u>Identified Need #3:</u> Specific Family Types: The Elderly</p> <p>Strategy 1: Target available assistance to the elderly</p> <ul style="list-style-type: none"> <li>• Apply for special-purpose vouchers targeted to the elderly, should they become available</li> </ul> <p><u>Identified Need #4:</u> Specific Family Types: Families with Disabilities</p> <p>Strategy 1: Target available assistance to Families with Disabilities</p> <ul style="list-style-type: none"> <li>• Apply for special-purpose vouchers targeted to families with disabilities, should they become available</li> </ul> <p><u>Identified Need #5:</u> Specific Family Types: Races or ethnicities with disproportionate housing needs</p> <p>Strategy 1: Conduct activities to affirmatively further fair housing</p> <ul style="list-style-type: none"> <li>• Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units</li> <li>• Market the Section 8 Program to owners outside of areas of poverty /minority concentrations</li> </ul> <p><u>Other Housing Needs &amp; Strategies:</u></p> <ul style="list-style-type: none"> <li>• Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA</li> <li>• Adminstrating the Homeownership Program and the HPRP Program</li> <li>• Establishing a Payment Standard of 100% FMR</li> <li>• Providing housing rehabilitation</li> </ul>
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	<ul style="list-style-type: none"> <li>To provide equal housing opportunity, when a voucher vacant is available, the PHA will cover the first vacant by selecting from the waiting list the first person in order of preference, and then, the second vacant will be selected from the next person in the waiting list in order of date and time of application, and so on.</li> <li>Selection preferences will remain the same as established in the PHA's Administrative Plan</li> </ul>
10.0	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <p><b>Please refer to Section 5.2 of this template.</b></p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p> <p><b>The PHA's will amend or modify its agency plan upon the occurrence of any of the following events, if and only if, the events are not included in the approved annual plan during the term of the approved plan, as it constitutes a significant amendment and substantial deviation/modification:</b></p> <ul style="list-style-type: none"> <li>Changes to rent or admissions policies or organization of waiting list;</li> <li>Any modification to the PHA's Mission Statement or any substantial modification to the Municipality's goals and objectives.</li> </ul> <p><b>Exception to this definition will be made if there are changes to the requirements of the Federal Regulation. Those changes will not be considered significant amendments.</b></p> <p>(c) Sexual Offenders and VAWA Policies <b>See Appendix 2</b></p> <p>(d) Membership of the Resident Advisory Board or Boards <b>See Appendix 3</b></p> <p>(e) Newspaper Ad Promoting and Announcing the Hearing Process <b>See Appendix 4</b></p> <p>(f) List of Persons Assisting to the Public Hearing <b>See Appendix 5</b></p> <p>(g) Form HUD-50077-CR: <i>Civil Rights Certification</i> <b>See Appendix 6</b></p> <p>(h) Form HUD-50077-SL: <i>Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan</i> <b>See Appendix 7</b></p>
11.0	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p> <p><b>See Appendix 8 (Only those that apply for this PHA)</b></p> <p>(a) Form HUD-50077, and</p> <p>(b) Resident Advisory Board (RAB) comments.</p>

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated there under at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

## **Instructions form HUD-50075**

**Applicability.** This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

### **1.0 PHA Information**

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

### **2.0 Inventory**

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

### **3.0 Submission Type**

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

### **4.0 PHA Consortia**

Check box if submitting a Joint PHA Plan and complete the table.

### **5.0 Five-Year Plan**

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

**5.1 Mission.** A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

**5.2 Goals and Objectives.** Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

**6.0 PHA Plan Update.** In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

**PHA Plan Elements.** (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.

10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.

11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.

12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

#### 7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

(a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>

(b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm)  
**Note:** This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.

(c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

(d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

(e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 **Capital Improvements.** This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 **Capital Fund Program Annual Statement/Performance and Evaluation Report.** PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

- 1. At the end of the program year; until the program is completed or all funds are expended;
- 2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
- 3. Upon completion or termination of the activities funded in a specific capital fund program year.

#### 8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 **Capital Fund Financing Program (CFFP).** Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

**9.0 Housing Needs.** Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

**9.1 Strategy for Addressing Housing Needs.** Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

**10.0 Additional Information.** Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

**11.0 Required Submission for HUD Field Office Review.** In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

## Appendix 1: (Section 9.0) Housing Needs

<b>Housing Needs of Families on the PHA's Waiting Lists</b>			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	<b>294</b>		<b>60</b>
Extremely low income <=30% AMI	<b>258</b>	<b>88</b>	
Very low income (>30% but <=50% AMI)	<b>36</b>	<b>12</b>	
Low income (>50% but <80% AMI)	<b>0</b>	<b>0</b>	
Families with children	<b>269</b>	<b>92</b>	
Elderly families	<b>5</b>	<b>2</b>	
Families with Disabilities	<b>18</b>	<b>6</b>	
Race/ethnicity	<b>HISPANIC</b>	<b>100</b>	
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
<b>HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)?</b>			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input type="checkbox"/> No <input type="checkbox"/> Yes			



<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2010 grants)</b>		
a) Public Housing Operating Fund	<i>\$505,000.00</i>	
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	<i>\$ 446,536.00</i>	
f) Resident Opportunity and Self- Sufficiency Grants		
g) Community Development Block Grant	<i>\$1,613,386.55</i>	
h) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>		
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
<b>Total resources</b>	<i>\$2,564,922.55</i>	

## Appendix 2: (Section 10.0 (c)) SEXUAL OFFENDERS AND VAWA

### Policy for Sexual Offenders

The Municipality of Villalba will verify that the persons selected to participate in the Section 8 Program are not convicted of any type of sexual offense whether subject to lifetime registration or not (24 CFR 982.553). The Municipality of Villalba (RQ049) will screen the family by performing criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the state where the dwelling unit is located and in other states where the household member are known to reside. The screening is to be carried-out through the Puerto Rico Police Department, which issue a Certificate of Conduct (Certificate of Penal Records).

### Policy for VAWA

The Violence Against Women Act (VAWA), Public Law 109-162 was signed on January 5, 2006. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 USC 1437 c-1) to require PHA's five-year and annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Section 606 and 607 amend the Section 8 and Public Housing sections of the U.S.C. 1427f and 1437d to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims immediate families- from losing their HUD-assisted housing as a consequence of the abuse of which they are victim. While awaiting new guide lines from the Department of Housing and Urban Development for implementing VAWA, the Municipality of Villalba (RQ049) has adopted the following goals and objectives, for Domestic Violence Policy:

- The Municipality of Villalba applies to the Housing Choice Voucher Program and supports the goals of the VAWA Amendments and will comply with its requirements.
- The Municipality of Villalba will continue to administer its housing programs in ways that support and protect residents (including Section 8 Voucher Program participants) and applicants who may be victims of domestic violence, dating violence, sexual assault or stalking, including but not limited to notify voucher.
- The Municipality of Villalba will not take any adverse action against a resident/participant or applicant solely on the basis of her or his being a victim of such criminal activity, including threats of such activity. "Adverse action" in this context includes denial or termination of housing assistance.
- The Municipality of Villalba will not subject a victim of domestic violence, dating violence, sexual assault or stalking to more demanding standards for lease compliance than other residents.
- The Applicant/Tenant/Victim will be treated with respect and dignity.
- The Municipality of Villalba will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Villalba will develop policies and procedures as needed to implement the requirements of VAWA.

## Description of Activities, Services, or Programs Provided or Offered to:

### (a) Serve Victims (child or adult)

To serve child or adult victims of domestic violence, dating violence, sexual assault, or stalking, the PHA has the Office for Support to the Citizen (Oficina de Ayuda al Ciudadano), which is a dependency appointed by the Mayors' Office to provide the citizens of Villalba with services for social comfort. This office provides support services,

which includes referrals and coordination of services and activities such as workshops and speeches, including domestic violence.

## **(b) Obtain or Maintain Housing**

The PHA's Federal Programs Office (Oficina de Programas Federales) with the purpose of providing affordable decent, safe, and sanitary housing to the citizens of Villalba, administers the following programs: Section 8 Program, Housing rehabilitation, Housekeeping Aide and Homeless Prevention & Rapid Re-housing Program (HPRP).

## **(c) Prevent VAWA or to Enhance Victim Safety in Assisted Families**

To prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families, the PHA provides a variety of services which include briefings, workshops and educative speeches to the community about domestic violence, among others. These services are provided primarily through the Office for Support to the Citizen (Oficina de Ayuda al Ciudadano).

Also, the PHA briefs Section 8 Tenants and Landlords regarding VAWA, and as deems necessary (or requested) referrals are made to the pertinent agencies.

Through the Recreational & Sport Department, VAWA is prevented by developing innovative educational programs keeping in mind the primarily goal which is enhancing life quality. This is reached by:

- Developing plans addressed to promote the wealth of youth, by taking them out of the streets
- Developing programs which enhance the life quality of the residents of Villalba, promoting the practice of all sport types

## Appendix 3: (Section 10.0 (d)) Additional Information.

### **Membership of the Resident Advisory Board (RAB) or Boards**

All the head of the participants' families, that are model representatives of the Section 8 Program, were invited to a meeting where they were invited to become part of the Participants' Board (RAB). Those who accepted are the designated members of the Board.

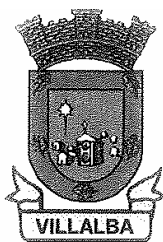
In the PHA (Municipality of Villalba) the Mayor is the Executive Director (Section 8 – HCV - Program). Governing Board is for Public Housing. In Tenant Based (Section 8 - HCV) there is, instead, a Participants Advisory Board. The Official in charged for designating the Participants Advisory Board is the Section 8 (HCV), Federal Affairs or Housing Department Director or Coordinator. In the Municipality of Villalba, Mr. Luis R. Ríos is the Section 8 Program Director.

The Participant Advisory Board's members for the PHA are:

1. Nestor M. León
2. Norberto Colón
3. Ileana Colón
4. Mariangie Miranda
5. Mayra Ortiz
6. Maribel Rosado
7. Wanda Sánchez
8. Deborah Green

After meeting with the RAB, they were reminding through a communication, the date of their next meeting, which was the day of the Public Hearing.

Attached next is a copy of the communication.



ESTADO LIBRE ASOCIADO DE PUERTO RICO  
**MUNICIPIO AUTONOMO DE VILLALBA**  
Villalba, Puerto Rico 00766

*Programa Federales*  
*Sección 8*

23 de marzo de 2010

**JUNTA DE PARTICIPANTES**

Sr. Luis R. Ríos  
Director

**REUNION DE LA JUNTA DE PARTICIPANTES**

Según habíamos acordado en la reunión anterior, se le informó que próximamente nos reuniríamos. Les informo que la misma está pautada para el martes, 6 de abril de 2010 a las 3:00 p.m. en el Teatro Municipal.

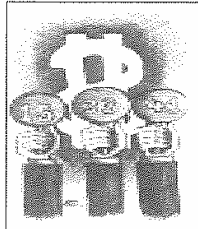
Recuerden que es importante su presencia en la misma.

# Appendix 4: (Section 10.0 (e)) Newspaper Ad Promoting and Announcing the Hearing Process

PRIMERA HORA miércoles, 13 de enero de 2010

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## AVISOS Y SUBASTAS



### Compañías de Préstamos Personales Pequeños

Tasa mínima, promedio ponderado y máximo, para préstamos pequeños otorgados para la semana que terminó el sábado, 9 de enero de 2010:

Institución	Tasa Mínima (%)	Tasa Promedio (%)	Tasa Máxima (%)
Cafamex	12.25%	30.25%	34.95%
Consolido	24.91%	29.53%	33.00%
World Finance	12.00%	36.31%	45.90%
Money Express	12.95%	32.54%	36.95%
Plaza Finance	28.00%	28.78%	29.95%
Pagosos Financieros	28.00%	28.00%	28.00%

### NOTA ACLARATORIA

Por error involuntario, en el anuncio de Go Phone de AT&T publicados el 9 y 12 de enero de 2010 en Primera Hora, la fecha de validez del precio en oferta del Motorola Karma está incorrecta. La fecha correcta de validez de esta oferta es hasta el 9 de enero de 2010. Disculpen cualquier inconveniente que esto pudo haber causado.



### NOTA ACLARATORIA

A todos nuestros beneficiarios por error nuestro publicamos un teléfono incorrecto. El teléfono correcto a llamar 787-764-1279. Disculpen cualquier inconveniente que esto les pueda haber causado.



### AVISO PUBLICO

El Municipio de Villalba, preparó el Plan de 5 Años / Plan anual (Plan de Acción) 2010 del Programa de Sección 8. El borrador del plan y todos los documentos asociados a éste se encuentran disponibles para ser examinados por el público en general, organizaciones sin fines de lucro y todos aquellos interesados, durante horas laborables a partir de la fecha de publicación de este aviso.

Las personas interesadas en emitir comentarios sobre el Plan, los podrán presentar personalmente o por escrito en la Oficina de Sección 8, localizada en:

Dirección Física: Anexo Casa Alcaldía, Piso 2  
Villalba, Puerto Rico  
Dirección Postal: Apartado Postal 1506  
Villalba, Puerto Rico 00766

El Municipio de Villalba invita a la ciudadanía en general a participar del cierre de comentarios al Plan en la celebración de:

### VISTA PUBLICA

Plan de 5 Años / Plan Anual del Municipio de Villalba  
A efectuarse en el Teatro Municipal  
El martes, 6 de abril de 2010 a las 3:00 p.m.

El lugar seleccionado es de fácil acceso para personas con impedimentos físicos. De requerir asistencia especial, deberán comunicarse con el Programa de Sección 8, previo al día de la Vista, al (787) 847-1478.

Los invita,

*Waldemar Rivera Torres*  
Hon. Waldemar Rivera Torres  
Alcalde

### NOTA ACLARATORIA

En la página 4 de nuestra circular válida del 10 al 16 de enero

anunciamos el Boost Mobile Motorola i766

(sku: 8982942) por \$69.99. El servicio para el Boost Mobile no está disponible actualmente en Puerto Rico. Pedimos disculpas por cualquier confusión o inconveniente que esto haya causado.



### ESTADO LIBRE ASOCIADO DE PUERTO RICO MUNICIPIO DE JUANA DIAZ PUERTO RICO Oficina del Secretario de la Legislatura Municipal

#### AVISO DE APROBACIÓN DE ORDENANZA

La Ordenanza 035, Serie 2009-2010, intitulada: "ORDENANZA AUTORIZANDO LA EMISIÓN DE \$2,970,000 EN BONOS DE OBLIGACIÓN GENERAL MUNICIPAL DE 2009 DEL MUNICIPIO DE JUANA DIAZ, PUERTO RICO Y PROVEYENDO PARA EL PAGO DEL PRINCIPAL DE Y DE LOS INTERESES SOBRE DICHA BONOS" fue aprobada por la Legislatura Municipal el 26 de diciembre de 2009 y aprobada por el Alcalde el 26 de diciembre de 2009. Esta Ordenanza entrará en vigor inmediatamente después de un término de diez (10) días a partir de la fecha de publicación de este Aviso de Aprobación.

Ninguna acción o recurso basado en la nulidad de tal Ordenanza podrá ser planteado, ni la validez de tal Ordenanza o de cualesquiera de sus disposiciones, incluyendo las disposiciones para el pago de tales Bonos, ni la validez de los Bonos autorizados por tal Ordenanza podrán ser cuestionadas bajo ninguna circunstancia en cualquier tribunal, excepto en una acción o procedimiento iniciado ante un tribunal con jurisdicción dentro de los diez (10) días siguientes a la fecha de publicación este Aviso de Aprobación.

Por disposición del Artículo 13 de la Ley Núm. 54 del 3 de julio de 1996, según enmendada, conocida como la "Ley de Financiamiento Municipal de Puerto Rico de 1996".

Carmen L. Vega García  
Secretaria Legislatura Municipal  
Juana Diaz, Puerto Rico

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Publica **1** vez al mes



### AVISO DE SUBASTA

La Junta de Subasta del Municipio de Culebra, Puerto Rico, recibirá proposiciones en pliegos cerrados, original y dos (2) copias, en la Oficina de Secretaría Municipal de la Casa Alcaldía, en el primer nivel Casa Alcaldía, en o antes del 11 de febrero de 2010 a las 11:30 a.m., los sobres deberán indicar el número de subasta, la fecha, hora, nombre del licitador, dirección, teléfono y fax del licitador, para la siguiente subasta:

SUBASTA NÚM: 2010-07  
REGLON: CONSTRUCCION DE INFRAESTRUCTURA PARA 11 SOLARES INDUSTRIALES EN LA CARR. 251, SECTOR VILLA FLAMENCO 11 DE FEBRERO DE 2010 1:00 PM.  
FECHA: LEGISLATURA MUNICIPAL  
HORA:  
LUGAR:

Será obligatorio acudir a una reunión pre-subasta a efectuarse el martes, 26 de enero de 2010 a las 1:00 p.m. en el Salón de la Legislatura Municipal, ubicado en el Edificio Víctor Félix Munet. La reunión es compulsoria para licitar en el proyecto.

Las especificaciones podrán ser examinadas libre de costo en la Oficina de Secretaría Municipal de Culebra y copia de los mismos podrán ser obtenidos mediante el previo pago de trescientos (\$300.00) dólares en el Departamento de Finanzas del Municipio de Culebra. El pago podrá ser en efectivo, giro postal, bancario o cheque certificado a favor del Municipio de Culebra. El dinero por los documentos obtenidos no será reembolsado por nuestro Municipio.

Todo licitador será responsable de traer todos los documentos requeridos que se solicitan en la pre-subasta y Subasta. No se aceptarán sobres abiertos que no estén identificados en su exterior. Toda oferta que llegue después de la fecha y hora fijadas para la apertura de la subasta será rechazada y se devolverá sin abrir al licitador.

La Junta de Subasta del Municipio de Culebra tendrá el derecho de estudiar las propuestas por veinte (20) días a partir de la fecha de la Subasta y se reserva el derecho de aceptar y/o rechazar todas o cualquiera de las licitaciones. Tomando en consideración que la cuantía no es el único factor a considerarse.

Cualquier información adicional pueden comunicarse a los teléfonos (787) 742-3116, (787) 742-3521 o al Apartado 189, Culebra, Puerto Rico 00775.

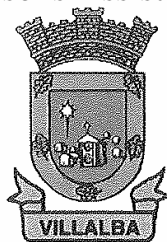
Este aviso forma parte de las especificaciones de la Subasta.

Dado en Culebra, Puerto Rico, hoy miércoles, 13 de enero de 2010.

*Duanner Ayala Maldonado*  
Presidente  
Junta de Subastas

*Natasha Rivera Rivera*  
Secretaria Municipal Interina

Appendix 5: (Section 10.0 (f)) List of Persons Assisting to the Public Hearing



ESTADO LIBRE ASOCIADO DE PUERTO RICO  
**GOBIERNO MUNICIPAL**  
Villalba, Puerto Rico 00766

*Programas Federales*

*Fecha: 6 de abril 2010*

**VISTA PLAN ANUAL  
AÑO FISCAL 2010-2015**

**JUNTA DE PARTICIPANTES**

1. NESTOR M. LEON MIRANDA
2. NORBERTO COLON ROLON
3. ILEANA COLON PADILLA
4. MARIANGIE MIRANDA JIMENEZ
5. MAYRA ORTIZ TORRES
6. MARIBEL ROSADO
7. WANDA I. SANCHEZ
8. DEBORAH GREEN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Maribel Rosado*  
\_\_\_\_\_  
*Deborah Green*

PO Box 1506, Villalba, Puerto Rico 00766 • Tels. (787) 847-2430/847-2500/847-2630/847-2240 • Fax (787) 847-1225

## Appendix 6: (Section 10.0 (g)) Civil Rights Certification: Annual Certification and Board Resolution

(Form HUD-50077-CR)

### Civil Rights Certification

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

### Civil Rights Certification

#### Annual Certification and Board Resolution

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*


The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

MUNICIPALITY OF VILLALBA

RQ049

PHA Name

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)	
Name of Authorized Official HON. WALDEMAR RIVERA TORRES	Title MAYOR
Signature 	Date APRIL 6, 2010

form HUD-50077-CR (1/2009)  
OMB Approval No. 2577-0226



Appendix 7: (Section 10.0 (h)) Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan

(Form HUD-50077-SL)

Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011

Certification by State or Local Official of PHA Plans Consistency with the  
Consolidated Plan

I, Omar E. Negrón Judice, MBA the Commissioner certify that the Five Year and  
Annual PHA Plan of the Municipality of Villalba is consistent with the Consolidated Plan of  
Puerto Rico prepared pursuant to 24 CFR Part 91.

March 26, 2010



Signed / Dated by Appropriate State or Local Official

form HUD-50077-SL (1/2009)  
OMB Approval No. 2577-0226

## APPENDIX 8: (Section 11.0) Required Submission for HUD Field Office Review.

The following documents are those that apply for Section 8 only.

- (a) **Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations** (which includes all certifications relating to Civil Rights)

<b>PHA Certifications of Compliance with PHA Plans and Related Regulations</b>	<b>U.S. Department of Housing and Urban Development</b> Office of Public and Indian Housing Expires 4/30/2011
--	---

### PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the X 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning July 1, 2010. hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

Previous version is obsolete

Page 1 of 2

form HUD-50077 (4/2008)

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Municipality of Villalba

RQ049

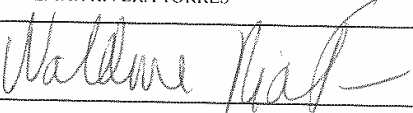
PHA Name

PHA Number/HA Code

☒ 5-Year PHA Plan for Fiscal Years 20 10 - 20 15

☒ Annual PHA Plan for Fiscal Years 20 10 - 20 11

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
HON. WALDEMAR RIVERA TORRES	MAYOR
Signature	Date
	APRIL 6, 2010

**(b) Resident Advisory Board (RAB) comments.**

BEFORE PUBLIC HEARING:

*No comments were made.*

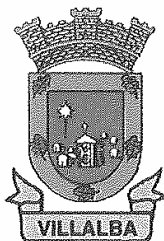
AFTER PUBLIC HEARING:

*No comments were made.*

Due to the fact that there were no comments and all doubts were clarified, the Participants Advisory Board endorsed the PHA's Annual Plan.)

Attached Next:

1. Public Hearing Certification
2. Endorsement Letter (signed by those present on the Hearing)



ESTADO LIBRE ASOCIADO DE PUERTO RICO  
**MUNICIPIO AUTONOMO DE VILLALBA**

Villalba, Puerto Rico 00766

*Programas Federales*  
*Sección 8*

**VISTA PUBLICA**


En Vista Pública celebrada el 6 de abril de 2010 a las 3:15 p.m., en el Teatro Municipal Adrián Rosado Guzmán, se celebró la Vista Administrativa del Programa de Sección 8.

Se dio lectura al Aviso Público que apareciera en el periódico para la celebración de la misma, se hizo un resumen del Plan, el periodo que cubre, la misión y el objetivo del Programa de Sección 8 y HUD.

Se le preguntó a los presentes para que expresaran sus sugerencias o comentarios pero no hubo deponente.

Nos reunimos para aportar ideas y comentarios al Programa, ya que ninguna persona se expresó y se dio por terminada a las 3:40 pm.

  
Romualdo Ortiz Martínez  
Inspector

  
Aida L. Ríos de Jesús  
Contable

PO Box 1506, Villalba, Puerto Rico 00766 • Tels. (787) 847-2430/847-2500/847-2630/847-2240 • Fax (787) 847-1225

PLANES PHAs 2010

MUNICIPIO DE VILLALBA

Programa Sección 8

### CERTIFICACION VISTA PÚBLICA

La Junta de Participantes del Programa Sección 8 del Municipio de Villalba, certifica que el 6 de Abril de 2010 se realizó la Vista Pública para discutir el borrador del Plan 2010 (forma HUD-50075) y todos sus anejos. Durante la Vista se orientó a los presentes y se determinó lo siguiente:

X no fue necesario realizar cambios al mismo.

   se aclararon las dudas existentes y no fue necesario realizar cambios.

   se aclararon las dudas y fue necesario realizar los siguientes cambios: *(Indique los cambios)*

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Dado el hecho de que el Plan fue revisado, las dudas aclaradas y todos los presentes debidamente orientados, la Junta de Participantes aprueba el Plan del Programa Sección 8 del Municipio de Villalba.

Certificamos lo anterior como correcto, hoy 6 de Abril de 2010:

Nombre:

Aida L. Rios  
Romualdo Ortiz Martinez  
Maribel Rosado  
Deborah R. Green Barrios

Firma:

Aida L. Rios  
R Ortiz  
Maribel Rosado  
Deborah R. Green Barrios

**Municipality of Villalba Housing Agency, Villalba, PR:**  
Administrative Plan and Procedures  
FOR THE SECTION 8 TENANT BASED  
***HOUSING CHOICE VOUCHER RENTAL ASSISTANCE PROGRAM***

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**A. PURPOSE**

These policies and procedures are adopted by the Municipality of Villalba Housing Agency to set forth the essential elements to implement Title 24 of the Code of Federal Regulations (CFR), as established in 24 CFR Part 5 Subpart F (Definition of Income and General Factors of Eligibility), as amended; the Housing Voucher Program as established in 24 CFR Part 982.

**B. ADMINISTRATIVE STRUCTURE**

The section 8 Office will have the major responsibility and authority in the implementation of the Section 8 Voucher Housing Program. The duties and responsibilities of the Section 8 Office may be summarized as follows:

- \* Overall responsibility for insuring compliance with federal regulations, coordinating the implementation of Tenant Policy, Affirmative Marketing Plan and for directing the day to day activities designed to meet program goals and objectives.
- \* Housing Inspector – is responsible for insuring that housing units meet the Section 8 Housing Quality Standards.
- \* Section 8 Accountant – maintains accounting books, records and reports in accordance with Municipal and HUD requirements; assures adequate funds for payment of the rental contracts.
- \* FSS Program – will be operated in compliance with the approved Action Plan as described in section 984.201 and will provide comprehensive supporting services as defined in section 984.103.

The Section 8 Office has the following job descriptions for each technical and administrative staff to perform the work required by the Section 8 Housing Voucher Program:

**SECTION 8 PROGRAM DIRECTOR**

**Administrative Responsibility:** Report directly to the Section 8 Executive Director. Supervise the Section 8 Office and the FSS Program. Coordinate with the accountant on financial matters. Coordinate with the Inspector on inspection matters. Coordinate with technician on contracts, documentation required and form 50058 submissions.

**Functional Responsibility:** Has overall responsibility for compliance with the Administrative Plan, coordination of the Section 8 Program, Tenancy Policy, Section 8 Office requirements, the FSS Program Operations, and pertinent Municipal policies. He is responsible for meeting program goals and objectives.

**Specific Duties:**

- Direct technical and administrative work of the section 8 Voucher Program.
- Set program goals and prepare staff work plans.
- Responsible for staff supervision.
- Prepare monthly performance reports.
- Prepare narrative and statistical reports in accordance with HUD regulations.
- Responsible for assuring compliance with HUD regulations in program implementation.
- Responsible for measuring the success of the FSS Program.
- Organize assigns and supervise work performed by program personnel.
- Negotiate contracts with unit owners and tenants.
- Establishment and coordination of the PCC and FSS Program action Plan.
- Evaluate grievance presented by unit owners and tenants.
- Perform Quality Inspections Report of 5% of the total rented units.
- Analyze and report on current rent reasonableness.
- Coordinate with the consultants on the required documentation in order to prepare additional funds proposals.
- Comply with any other duty assigned by the Federal Programs Director.

**SECTION 8 PROGRAM TECHNICIAN**

Executes special investigations due to grievances or information received regarding program abuse. The technician are responsible for ensuring that each family selected to participate in the Section 8 Program enters into a contract which is to be signed by the head of the family.

**Specific duties:**

- Interview owners, applicants and complete applications for section 8 assistance, including telephone contacts.
- Verify eligibility of families in order to ensure compliance with program eligibility criteria.
- Prepare case reports and maintain an adequate file of all documents.
- Prepare weekly activity report.
- Conduct annual family reexaminations
- Verify family income.
- Participate in negotiation of contracts with owner.
- Maintain files including required documents and current listings of available housing units.
- Periodical contact with realtors, owners, lessees, etc., in order to update rental

- housing market information in coordination with Housing Inspector.
- Provide individual information to clients concerning available housing and any other related matters.
- Prepare FSS Program families individual contracts. The contract shall incorporate the individual training and service plans, the family's rights and responsibilities, the service to be provided and the activities to be completed by the head of the family, and each adult member of the family, who chooses to participate in the program.
- Prepare monthly payrolls for housing owner participants of the section 8 Program.
- Visit participants and/or neighborhoods to perform any required special investigation or inspection.

## **SECTION 8 ACCOUNTANT**

**Administrative Responsibility:** Reports to Section 8 Program Director.

**Functional (program) Responsibility:** Has overall responsibility for ensuring that all accounting books, records and reports are maintained in accordance with HUD requirements and generally accepted accounting standards.

### **Specific Duties:**

- Inform Section 8 program Director on the status of the program's finances.
- Prepare requisitions for program funds.
- Prepare annual Section 8 fund applications.
- Maintain a record of rental payments to the owners (HAP register).
- Coordinate with the Section 8 program coordinator about changes in address, income, family composition and any other information pertaining to tenants and owners.
- Prepare financial reports at the end of the fiscal year.
- Perform other duties as required by the Section 8 Program Director.
- Perform the accounting for the Section 8 Program.
- Maintain accounting files in accordance with Section 8 Program needs.
- Verify payrolls of Section 8 Program employees.
- Keep records of portability payments and receivable.
- Prepare monthly trial balances for the Section 8 Program.

## **Section 8 Program Housing Inspector**

**Administrative Responsibilities:** Report to the Section 8 Program Director.

**Functional Responsibilities:** Is responsible for ensuring that housing units meet Section 8 Housing Program.

### **Specific Duties:**

- Perform initial, annual or special inspections to proposed or under contract housing units.
- Will approve units in compliance with Housing Quality Standards.
- Notify owners and participants of deficiencies encountered and will give a time frame to perform the repairs.
- Analyze and report on current rent reasonableness for each contract housing unit.
- Execute the inspection Form (HUD-52580), Lead-based Paint Certification, Rent Reasonableness and Request for Lease Approval Forms.
- Fully document each file with the necessary documents.
- Advise Clients on all matters including complaint procedure. Hand-deliver documents to participants.
- Arrange appointments with participant owners and tenants to discuss matters related to the Section 8 Program. Make and receive telephone calls related to the Section 8 Program.
- Responsible for the maintenance of documentation related to Housing Quality Standards inspections and of keeping them properly filed.
- Performed other duties as required by the Housing Department Director and /or the Section 8 Director.

## **C. DEFINITIONS**

Unless otherwise clear from the context as used herein, the following terms for the purpose of this rule shall mean:

**1937 Act:** Section 8 of the U.S. Housing Act of 1937 as amended

**Adjusted Income:** Annual income less certain allowances as outlined in 24 CFR 5 Subpart F, as amended.

**Admission:** The effective date of the first HAP contract for a family in a tenant-based program. This is the point when the family becomes a participant in the program.

**Housing Agency:** Municipality of Villalba Housing Agency

**Annual Contributions Contract (ACC):** A written agreement between HUD and the Housing Agency to provide annual contributions to cover housing assistance payments and other related expenses. This is now a consolidated agreement for the Section 8 Rental Voucher Programs.

**Annual Income:** The anticipated total income of a family for a 12-month period as outlined in 24 CFR 5, as amended.

**Assets:** Net cash value as outlined in 24 CFR 5 Subpart F, as amended

**Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age as outlined in 24 CFR 5, as amended

**Citizen:** A family member who is a U.S. Citizen by birth, a naturalized citizen or a national of the United States of America.

**City:** Villalba, Puerto Rico

**Contract of Participation (FSS Contract):** A contract, as described in 24 CFR 984.103, that sets forth the terms and conditions governing the FSS family's participation in the FSS program.

**Continuously Assisted Family.** Families who have received any form of federal housing Assistance under the U.S. Housing Act of 1937, as amended, within the 120 day period preceding the date of the eligibility interview shall be considered “income eligible”, if otherwise eligible under the remaining program rules.

**Dependent:** A member of the eligible family household other than family head or spouse, who is under 18 years of age or **is age 18 and older AND** is a disabled person or handicapped person or is a full-time student.

**Disabled Person:** A person with a disability as defined in 24 CFR 5, as amended.

**Displaced Person:** A person as defined in 24 CFR 5, as amended, or a person displaced pursuant to a HUD directive, or a person whose dwelling has been extensively damaged by fire or natural disaster.

**Domicile:** The legal residence of the household head or spouse as determined in accordance with State and local laws.

**Drug-related criminal activity:** Drug-trafficking; or Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Drug trafficking:** The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute a controlled substance.

**Elderly Family:** A family as defined in 24 CFR 5, as amended.

**Elderly Person:** A person who is at least 62 years of age.

**Family:** A family consisting of two or more persons sharing residency who are either related by blood, marriage, or operation of law or have evidenced a stable family relationship and as defined in 24 CFR 5, as amended.

**Fair Market Rent:** The maximum rent, including utilities, as annually established by HUD for dwelling units of varying sizes (number of bedrooms) for the purpose of establishing local payment standards.

**Family Income (Annual Income):** Income as defined in 24 CFR 5, as amended.

**Family Self Sufficiency Program or FSS Program:** The program established by the Municipality of Villalba Housing Agency to promote self-sufficiency among participating families, including the provision of supportive services to these families.

**FSS Family or Participating Family:** A family that receives assistance under the Section 8 Housing Choice Voucher program, and that elects to participate in the FSS program, and whose designated head of the family has signed the contract of participation.

**FSS Related Service Program:** Any program, publicly or privately sponsored, that offers the kinds of supportive services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.

**FSS Slots:** The total number of vouchers that comprise the *minimum program size* of the Municipality of Villalba Housing Agency's FSS program.

**Family unit size:** The appropriate number of bedrooms for a family pursuant to the Housing Agency's duly adopted *subsidy standards* determines family unit size.

**Funding Increment:** It is each commitment of budget Housing Agency by HUD to a Housing Agency under the consolidated annual contributions contract for the Housing Agency program.

**Full-time Student:** A person who is in full-time attendance (equal to a full-time day student) under the standards and practices of the educational institution he or she is attending.

**Gross Rent:** The Contract Rent plus any utility allowance for tenant paid utilities and other services.

**Handicapped Person:** A person having a physical or mental impairment as defined in 24 CFR 5.

**Head of Household:** The adult member of the family who is the head of the household



for purposes of determining income eligibility and rent.

**Homeless Family:** A person or family as defined in 24 CFR 5 Subpart F, as amended.

**Housing Assistance Payment (HAP):** The monthly rental assistance payment remitted by the Housing Agency on behalf of a Section 8 participant.

**Housing Choice Voucher:** New and only form of Section 8 tenant based rental assistance as of October 1, 1999.

**INS:** The U.S. Immigration and Naturalization Service.

**HUD Requirements:** HUD requirements are issued by HUD headquarters; such as regulations, Federal Register notices, handbook requirements or other binding program directives for the Section 8 housing voucher program.

**Housing Assistance Payments Contract ("Contract"):** A written contract between the Housing Agency and an owner to make Housing Assistance Payments to the owner on behalf of an eligible family participating in the Housing Choice Voucher Program.

**Housing Choice Voucher:** A document (HUD Form 52646) issued by the Housing Agency declaring a family to be eligible for participation in the Section 8 Housing Choice Voucher Program and stating the terms and conditions for the family's participation.

**Housing Quality Standards (HQS):** The inspection performance requirements and acceptability criteria for housing set forth in 24 CFR 982.401, as amended.

**HUD:** The United States Department of Housing and Urban Development.

**Involuntary Displacement:** Displacement of a person or family as outlined in 24 CFR 5 Subpart F.

**JTPA Program:** Program covered under the *Jobs Training Partnership Act*.

**Live-in Aide:** A person as defined in 24 CFR 5 Subpart F, as amended.

**Lower-Income Family:** A family whose income does not exceed 80 percent of the median income for the City as determined by HUD with adjustments for size of family.

**Medical Expenses:** Those medical expenses which are anticipated to be incurred during the 12-month period for which the Annual Income is computed, and which are not covered by medical insurance (premiums for such medical insurance may be included as medical expenses) or any other source.

**Merger Date:** The date HUD officially merged the rules governing the Certificate and Voucher Programs into one form of rental assistance (i.e., October 1, 1999).

**Mixed family:** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

**Moderate Rehabilitation:** Generally defined to mean required dwelling unit repairs required to meet or exceed HQS at a total cost of \$1,000.00- 5,000.00 per unit.

**Monthly Income:** One-twelfth of the Annual Income (also called Monthly Gross Income).

**Monthly Income After Allowances:** One-twelfth of the Adjusted Income.

**Near-Elderly:** A person who is at least 50 years of age but below the age of 62.

**Non-Citizen:** A person who is neither a citizen nor a national of the United States.

**Owner:** Any person or entity, including a cooperative, having the legal right to lease or sub-lease a unit to participant.

**Payment Standard:** A schedule of amounts adopted by the city for each bedroom size that is used to determine the housing assistance (subsidy) a family will receive in the Voucher Program.

**Portability:** Moving with a Section 8 housing choice voucher rental assistance (subsidy) to a dwelling unit outside of the jurisdiction of the issuing or initial Public Housing Agency.

**Pre-Merger Certificate:** Section 8 Certificate issued to a qualified family before October 1, 1999.

**Pre-Merger Voucher:** Section 8 Voucher issued to a qualified family before October 1, 1999.

**Premises:** The building or complex in which the dwelling unit is located, including common areas and grounds.

**Public Assistance:** Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by the Federal and/or State governments.

**Public Housing Agency:** PHA

**Remaining Member.** A *remaining member of a tenant family* is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit. To remain in occupancy with continued rental assistance the remaining tenant family member must be of legal age to enter into a lease pursuant to state law, and must not be a current or recent participant in criminal activity as defined under the 1998 PHRA.

**Rental Agreement:** A written agreement between an owner and an eligible family to rent a unit.

**Rent to Owner:** The rent payable to the owner as approved by the PHA pursuant to the owner's request and the rent reasonableness criteria.

**Reasonable Rent:** A rent to owner that is not more than either the rent charged for comparable units in the private unassisted market; or rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

**Residency Preference:** A Housing Agency preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

**Residency Preference Area:** The specified area where families must reside to qualify for a *residency preference*.

**Section 214:** Section 214 of the *Housing and Community Development Act of 1980*, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

**Single Person:** A person living alone or intending to live alone.

**Special Admission:** Admission of an applicant that is not on the PHA's waiting list, or admission without considering the applicant's waiting list position, such as a person who is displaced by HUD action with the promise of Section 8 rental assistance.

**Spouse:** Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship.

**Subsidy Standards:** Standards established by a Housing Agency to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. (See definition of Family Unit Size)

**Supportive Services:** Those appropriate services that the Housing Agency will make

available to an FSS family under a contract of participation. These services may include childcare, transportation, education, employment, counseling, and other services determined to be appropriate in assisting FSS families achieve economic independence and self-sufficiency.

**Suspension:** Stopping the clock on the term of a family's voucher, for such period as determined by the Housing Agency, from the time when the family submits a request for Housing Agency approval to lease a unit, until the time when the Housing Agency approves or denies the request.

**Substandard Housing:** Housing that is physically deficient as defined in 24 CFR 982.219, as amended.

**Tenancy Addendum:** The lease language required by HUD to be included in the lease between the tenant and the owner.

**Tenant:** The person or persons who executes the lease or lessee of the dwelling unit.

**Tenant Rent:** The amount payable monthly by the family as rent to the owner.

**Total Tenant Payment (TTP):** The monthly cost of rent and utilities payable by the assisted family consistent with the HUD-required formula.

**U.S. Department of Housing and Urban Development:** HUD

**Utility Allowance:** An amount equal to the estimate established by the Housing Agency of the monthly costs of utilities (except telephone) and other housing services for an assisted unit, which are not included in the tenant rent, but is the responsibility of the family occupying the unit.

**U.S. National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

**Utility Reimbursement Payment:** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. This amount can be paid directly to the tenant or the Utility Supplier pursuant to the PHA's adopted policy.

**Very Low-Income Family:** A family whose income does not exceed 50 percent of the median income for the City as determined by HUD, with adjustments for size of family.

**Violent Criminal Activity:** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property

of another.

**Waiting List Admission:** An admission from the Housing Agency's waiting list.

#### **D. GENERAL APPLICABILITY AND SCOPE**

The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of eligible families pursuant to the provisions of Section 8 of the U.S. Housing Act of 1937, as amended. To implement the Housing Choice Voucher Program, the Housing Agency, with the approval of HUD, is authorized to make housing assistance payments on behalf of eligible families who rent units which meet or exceed HUD's Housing Quality Standards (HQS) during the period of the ACC.

##### **PC-§1.00 Scope of the Section 8 Administrative Plan**

The Section 8 housing choice voucher program is federally funded and locally administered by the Municipality of Villalba Housing Agency through its Section 8 housing office (hereinafter referred to as the office or the program).

Local rules, which are made a part of this Section 8 Administrative Plan, are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

Local Programs subject to the provisions of this Section 8 Administrative Plan, as applicable, include:

- Pre-Merger Rental Vouchers
- Housing Choice Vouchers

Required program forms are located in HUD Handbook 7420.8 and on the worldwide web at [www.hudclips.org](http://www.hudclips.org).

##### **PC-§1.01 Statement of Compliance with Applicable Fair Housing Laws**

The Municipality of Villalba Housing Agency is an equal opportunity employer and an equal opportunity housing provider.

The Housing Agency will administer its housing programs in a nondiscriminatory manner without regard to race, color, creed, national origin, religion, sex, age, handicap or familial status.

The Housing Agency will comply with all federal, state and local fair housing Statutes, Executive Orders and comparable laws, including, but not necessarily limited to:

- a. Title VI of the Civil Rights Act of 1964, as amended
- b. Title VII of the Civil Rights Act of 1968, as amended

- c. Section 504 of the Rehabilitation Act of 1973, as amended
- d. Fair Housing Amendments Act of 1988
- e. Title II of the Americans with Disabilities Act
- f. State/local Fair Housing Laws

The Housing Agency will provide federal/state/local information regarding discrimination and recourse in the event of discrimination.

Prospective and participating landlords will be apprised of applicable Fair Housing Laws and the Housing Agency's policy regarding the full range of actions to be taken against landlords involved in discriminatory leasing practices.

The Housing Agency subscribes to HUD's open-housing policy and will maintain lists of available housing to ensure greater housing choice/opportunities for low-income households served by this Housing Agency.

If an applicant or participating family believes they have been the victims of illegal discrimination the Housing Agency will provide:

- HUD's Fair Housing Brochure (dated 7/90);
- Assistance in completing HUD form 903; and/or
- Referral to the Regional HUD Office of Fair Housing.
- Referral to state or local fair housing organizations

The Municipality of Villalba may extend the family's term of voucher ("search time"), not to exceed 120 days, where there is sufficient evidence to lead the agency to believe the family's efforts to locate suitable housing has been impeded by discriminatory actions (or inactions) by prospective landlords or realtors.

#### **PC-§1.02      Applicability of the Privacy Act**

The Housing Agency will facilitate the full exercise of rights conferred on individuals under the Privacy Act of 1974, [5 U.S.C. 552A] and will ensure the protection of privacy as to individuals about whom the office maintains records under its Section 8 Housing Choice Voucher Housing Program, except that information which is part of the applicant or tenant's file with regard to current/prior participation in drug-related or violent criminal activity, history of excessive damage to units created by applicant or tenant-family, or eviction from Section 8 assisted units, will be shared with prospective landlords.

A release form, executed by all adult family members, will accompany any requests for release of information.

**E. PUBLIC NOTICE TO LOWER-INCOME AND/OR VERY LOW-INCOME FAMILIES**

1. Notice of Availability of Housing Assistance

The Housing Agency shall periodically make known to the public through publication in a local daily newspaper of general circulation, minority print media and other suitable means, the availability and nature of housing assistance for Low-Income families. The notice shall further inform such families where and how they may apply for Section 8 Voucher assistance. The notice shall also state that occupants of housing assisted under the 1937 Act, and applicants on waiting lists for any such housing, must apply if they wish to be considered for a Voucher. In addition, the notice shall state that applicants for a Section 8 Voucher will not lose their place on the waiting list for public housing at the Municipality of Villalba Housing Agency.

2. Notice in Accordance with HUD Guidelines

Such notice shall be made in accordance with the Housing Agency's most recently adopted Section 8 Administrative Plan. Upon request, the Housing Agency shall send to the HUD field office a copy of the Section 8 Administrative Plan.

3. Opening and Closing the Waiting List

The Housing Agency will give public notice when the waiting list is opened, including any limitations on who may apply. If the Housing Agency determines that its waiting list contains an adequate pool for use of its available funding, the Housing Agency may stop accepting applications.

4. Policy Governing Cross-Listing and Merging of Waiting Lists

The Municipality of Villalba Housing Agency will not merge its Section 8 tenant-based assistance waiting lists with its project-based waiting lists for conventional public housing.

The agency will maintain a single waiting list for Section 8 applicants consistent with HUD's instructions under Part 1 of the Section 8 Conforming Rule. We also have an automated copy of the persons remaining in the waiting list. If the public-housing waiting list is open at the time a family submits a pre-application for Section 8 assistance the family will be afforded the opportunity to be cross-listed on the Municipality of Villalba Housing Agency's public housing waiting list with the:

- a. Same date/time of application
- b. Same preference codes.

## 5. Notice of Nondiscrimination

All notices of general circulation regarding the availability of the program, and any notices to prospective applicants/participants or owners shall state the Housing Agency promotes nondiscrimination in housing and will assist any family who alleges discrimination by staff and/or owners. Such assistance may include any of the following: (a) assisting the family in completing HUD Form 903; (b) referring the family to the local legal aid society; (c) referring the family to the California Civil Rights Housing Agency; (d) providing the family with the toll free number for HUD's Office of Fair Housing in Washington, DC.

### **PD-§1.00 Statement of Program Approach and Planned Outreach**

The Housing Agency will implement its Section 8 Rental Assistance Program in a manner consistent with the Housing Agency's mission of providing "*decent, safe, sanitary, and affordable*" housing. The Municipality of Villalba Housing Agency will promote outreach about its programs and services, regarding the availability and nature of the Section 8 housing choice voucher program.

Outreach methods and strategy will be redesigned if it is determined that a particular segment or segments of the community are not being reached.

Efforts to reach those persons where Spanish may not be their first language will include the use of:

- a. HUD forms which are printed in different languages; and
- b. Public notices in newspapers that serve various non-Spanish speaking populations.

Newspapers to be used to advertise the availability of the program and to recruit owners of rental housing outside areas of low income and high minority concentration may include, but will not necessarily be limited to:

- a. Regional Newspapers
- b. National Newspapers
- c. Bulletin Boards in Government offices

Broadcast news sources may include, but will not necessarily be limited to:

- a. Radio

During periods of time when the Housing Agency is accepting applications, interested persons will be afforded the opportunity to make written pre-application for assistance, even if it appears



through discussion with the applicant that they may not qualify for assistance. All determinations of eligibility for the waiting list will be made solely based upon the written or oral representations of the family on the pre-application housing application forms. If a family appears to be eligible they will be placed on the waiting list. A final determination of eligibility will not occur until the Housing Agency actually has a form of assistance available to offer the family. At that time, the Section 8 program staff will conduct the family's final eligibility interview and undertake the required verification procedures.

To facilitate agency compliance with HUD's *income targeting requirements* an assertive effort to identify and assist *extremely low income families* will be accomplished through outreach activities with:

- Department of Family and Children's Services (local TANF agency)
- Puerto Rico Department of Employment Services
- Puerto Rico Board of Education
- Local hospitals, colleges and universities

The VHA will notify organizations representing persons with disabilities and ethnic minority populations of the period of time for which applications for Section 8 rental assistance will be provided. These same organizations will be recruited to assist the populations they serve by:

- Providing transportation to the interview and to search for housing outside of areas of high poverty or minority concentration;
- Assisting the applicant in organizing family data to be brought to the interview;
- Negotiating rents and security deposits with prospective landlords;
- Securing required security and/or utility deposits;
- Acquiring furniture.

Such organizations may include, but are not necessarily limited to:

- Churches serving the community

The application will ask how the applicant heard about the program as a means of feedback on the effectiveness of the agency's outreach program, and to modify its strategy to reach under-represented populations.

### **PD-§1.01      Maintaining The Waiting List**

The Municipality of Villalba Housing Agency maintains a master waiting list for the Section 8 Housing Choice Voucher Programs.

The waiting list will provide the following information on apparently eligible households who have an active form of application (pre-application):

- a.      Name of head of household;
- b.      Date and time the pre-application was received;
- c.      Unit size(s) most appropriate to meet the family's needs;
- d.      Preference status codes; and
- e.      Race/ethnicity of head of household
- d.      Annual Income (for income-targeting compliance)

### **PD-§1.02      Policy and Procedures Governing *Income Targeting* in Section 8 Waiting List Selections**

The Municipality of Villalba Housing Agency will implement *income targeting* consistent with the provisions of the Public Housing Reform Act of 1998. Family selections from the waiting list will be made in a manner that assures at least seventy five percent (75%) of all new admissions within the PHA's fiscal year have income at or below the *extremely low income* (ELI) limit for this area.

To ensure compliance with this requirement the agency will verify the applicant income in the moment they applied and when the family reach the top of the waiting list. *Income range* is as follows:

Low *income* (i.e., family income reported at 51-80% of area median income);

Very *low income* (i.e., family income reported at 31-50% of area median income); and

*Extremely low income* (i.e., family income reported at zero to 30% of area median income).

The Municipality of Villalba Housing Agency may select an applicant from its waiting list based on income range, and without regard to locally adopted preferences in tenant selection, if necessary to assure federal compliance with *annual income targeting requirements* for the Section 8 housing choice voucher program.

Section 8 program management staff will undertake the following procedures to establish and maintain compliance with its *income targeting requirements*:

- Step 1: 90 days prior to the start of the new fiscal year, collect the data required to estimate the annual gross incomes of waiting list applicants.
- Step 2: Estimate the number of families expected to be admitted over course of upcoming fiscal year based on historical data (use unit turnover data from current fiscal year);
- Step 3: Estimate number of families to be selected from the waiting list to facilitate 100% lease-up in upcoming fiscal year (use *success rate data* on number vouchers issued vs. number of contracts executed in current fiscal year);
- Step 4: Based on current distribution of eligible families on the waiting list determine if the HA can accomplish its requirement for 75% eligible admissions utilizing its “regular” tenant selection process, or if agency must intensively monitor waiting list selections to determine need to implement strategy (e.g., suspend regular *preferences* for eligible preference; open the waiting list for new eligible applicants; increase outreach to organizations representing the eligible populations).

### **PD-§1.03 Updating The Waiting List**

The Housing Agency will initiate a periodic update of the applications received. The applicant will:

- Be mailed an update letter of interest regarding continued interest (sent by 1<sup>st</sup> class mail to the applicant's most recently reported address);
- Be required to complete the update form and return it within thirty (30) calendar days of mailing by the Housing Agency in order to maintain their name on the waiting list.

If the family fails to respond within the specified time period they will be determined ineligible and sent a notice with the reason and their right to request an informal review. For each notice returned marked “*Addressee Unknown*”, staff will close the application, attach the returned notice and envelope, and file and maintain for three (3) years.

For each application for which there has been no response and no returned notice, the HA will send a second notice by certified mail providing a final deadline. When the final deadline passes with no response, the family’s application will be closed and maintained with the record of certified delivery for a period of three years.

Any changes in the family's circumstances that affect their place on the waiting list, such as a change in local preferences, will be made as of the date of the Application Update with the Housing Agency.

The family will maintain their original date of application no matter how many times there are changes in their circumstances while they are on the waiting list.

#### **PD §1.04 Closing And Reopening The Waiting List**

The Housing Agency reserves the right to:

1. Discontinue application taking for all or some targeted applicant families when it has been determined by the Housing Agency's Manager or designee that there is insufficient funding;
2. Give public notice whenever the waiting list will reopen through a local newspaper of general circulation and selected minority print media;
3. State where and when interested persons may apply and any limitations on who may apply, as well as any reasonable accommodations for persons with disabilities who wish to apply.

#### **PD-§1.05 Selections From The Section 8 Waiting List**

Families will be selected for program participation as either a waiting list selection or special admission (non-waiting list admission).

*"Special admissions"* are made without regard to the family's position on the waiting list or even if the family is not on the waiting list. These admissions occur only when HUD gives the Housing Agency a special allocation of Section 8 funding for specific families living in certain targeted units. Special admissions are permitted when HUD provides special funding for general categories of targeted families such as the homeless or families displaced due to natural disaster, or due to the sale of a HUD foreclosure.

#### **F. PUBLIC NOTICE AND INVITATION TO OWNERS**

##### **1. Invitation to Owners**

The Housing Agency shall periodically solicit owners through publication in a local newspaper of general circulation and other suitable means to make dwelling units available for rental by eligible families. In so doing, the Housing Agency shall encourage participation by owners of units in areas other than those with concentrations of low-income or minority families.

Solicitation to owners shall be made in accordance with the applicable HUD guidelines. The Housing Agency shall prepare and distribute *owner's fact sheets and owner's briefing packets*, which explain the basic program requirements and owner benefits to participating in the Section 8 rental assistance programs. The Section 8 staff shall also address members of local organizations representing the rental market.

The Section 8 staff shall prepare maps that show various areas, both within and neighboring its jurisdiction, to assist families in renting housing outside areas of poverty or minority concentration. The maps will be used during briefing sessions, along with information about job opportunities, schools and services in these non-impacted areas to encourage the applicants to consider these areas when seeking a place to live. To further support this effort, to de-concentrate pockets of poverty, the Section 8 staff shall include in the tenant's briefing packet a list of owners who are willing to lease, or properties available for lease under the voucher program, or a list of other organizations that will help families find units. The list shall include properties or organizations that operate outside areas of poverty or minority concentration.

## 2. Contacts with Organizations

The Housing Agency shall periodically:

- a. Request the HUD field office to furnish a list of HUD held properties available for rent in the Ponce Metropolitan Area,
- b. Develop working relationships with owners and real estate broker associations,
- c. Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacements, and
- d. Explain the program, including equal opportunity requirements and Section 504 nondiscrimination requirements, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

## G. ELIGIBILITY CRITERIA

### 1. Family Qualification for Rental Assistance

All applicants must qualify under the following factors of eligibility. This includes family's ability to meet the Housing Agency's/HUD's *definition of a family; document U.S. Citizen, U.S. national or eligible immigration status; have income at or below 50% of median income; not owe the Housing Agency or any other HA monies as a prior Section 8 participant; within the past 3 years no participation in drug-related or violent criminal activity, provide all applicable certifications and documentation.*

2. Projected Income Indeterminable or Determinable for a Short Period

If a family is determined to have *unstable income* or reports *zero income* the Housing Agency shall place the family on a more frequent than annual re-examination schedule. Based upon individual circumstances this may result in a 30, 60 or 90-day interim reporting schedule. It is expected that most such families will be subject to a 90-day interim reporting requirement.

3. Family with Outstanding Balance Owing

An applicant with an outstanding balance owed to the Housing Agency in connection with its Section 8, public housing and/or other housing programs under the 1937 Act will be declared ineligible for housing assistance until the outstanding balance is paid in full. If an applicant family is determined to owe the Housing Agency or another Housing Agency money as a prior participant in the Section 8 or public housing programs it is the policy of this Housing Agency to offer the family the opportunity to enter into a repayment agreement while on the waiting list.

When the family reaches the top of the waiting list all prior monies owed must be paid in full as a factor of initial eligibility. Family must make full payment within 14 calendar days of the final eligibility interview. Failure to do so will result in denial of eligibility and family's name will be removed from the waiting list. Each family so denied will be advised in writing with procedures to follow to request an informal review.

For participating families, the Housing Agency may offer a repayment agreement. The family's non-compliance with the terms of the repayment agreement is considered grounds for termination of program participation. The Housing Agency will give both the family and the owner 30 days written notice of intent to terminate for family's failure to comply.

Applicants and participant families will be offered the opportunity for an informal review or hearing in accordance with Section Y of this plan.

4. Prior Termination from Section 8 Program

The Municipality of Villalba Housing Agency may deny assistance to the applicant if the applicant has been previously terminated from a Section 8 Rental Voucher programs for violation of program obligations, or if a family member has been evicted from public housing in the three year period, preceding the date of application, for drug related criminal activity unless there is evidence of successful completion of drug rehab or the family member involved in drug related criminal activity is no longer a member of the applicant/participant household.

## 5. Disposition of Assets

An applicant who has assigned, converted, transferred, or otherwise disposed of assets within two years prior to the date of initial certification or re-certification shall have the value of such assets included in the determination of net family assets as set forth in 24 CFR 5 Subpart F, as amended.

- a. The Municipality of Villalba Housing Agency will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or re-certification.
- b. If the family certifies that they did dispose of assets for less than fair market value, a certification that shows:
  - All assets disposed of for less than Fair Market Value;
  - The date they disposed of the assets;
  - The amount the family received; and
  - The assets' market value at the time of disposition.

### **PF-§1.00      Establishing Applicant Eligibility**

All families must qualify for assistance in accordance with HUD's criteria for eligibility.

The preliminary determination of income eligibility will be based on the family's self-declared sources and amounts of income.

Factors confirming any local preferences claimed factors of eligibility and income will not be third-party verified until the family reaches the top of the waiting list.

### **PF-§1.01      Definition of a *Family***

The applicant must qualify as a family. A *family* may be a single person or a group of persons. Discrimination on the basis on familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

#### 1. Definition of Family

To qualify for rental assistance, an applicant household must meet one of the following criteria:

- a. Two or more persons regularly living together in a stable family-type relationship, who will live together in the Municipality of Villalba Housing Agency-assisted housing.

- b. Two or more persons who are not related by blood, marriage, adoption, guardianship or operation of law, but are regularly living together, can verify shared income or resources, and will live together in the Municipality of Villalba Housing Agency housing.
- c. The term “*Family*” also includes, but is not limited to:
  - A family with or without children;
  - An elderly family;
  - A disabled family;
  - A displaced family;
  - The remaining member of tenant’s family;
  - A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family.
  - Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides.
- d. A child who is verified as being “temporarily absent” from the home due to placement in foster care shall be considered when determining the family composition and family size.

## 2. Head of Household

The head of household is the adult member of the household who is designated by the family as head, and who is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease with an owner under State/Local laws.

*Emancipated minors* who qualify under State law may be recognized as head of household if there is additional evidence/documentation that they are capable of upholding all essential terms and conditions of occupancy.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an elderly household, provided that the person is at least partially responsible for paying the rent.

## 3. Applicable Definitions

For proper application of the rule governing *Restriction on Assistance to Non-citizens*, the definition of *spouse* is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads.



4. A one-person household (i.e., *single person*) is considered to be an eligible family without restriction.

*Spouse* generally means the husband or wife of the head of household in a marriage recognized under Puerto Rico State Law.

*Live-in aide* means the person expected to reside with an elderly or disabled voucher holder which a physician has declared to be medically necessary for the care and well-being of the voucher-holder and who is not obligated to provide the support for this person and who would not be living in the (subsidized) unit except to provide the necessary care.

*Co-head of household* means the person(s) who are (a) living in a spousal relationship or (b) are related or unrelated adults with equal responsibility for program/lease compliance, such as may be the case with two adult sisters or two adult disabled persons wishing to live together.

#### **PF-§1.02      Eligible Single Persons**

All single persons are eligible to apply for and receive Section 8 subsidy if otherwise eligible during periods of time when the agency is accepting applications.

#### **PF-§1.03      Income Limitations**

At the time of issuance of the voucher to a family from the waiting list a family's gross annual income must not exceed the Low Income (i.e., 80% of area median income) limit. In addition, the family, when first admitted, must select a unit in an area in which the family meets the income limit for the housing choice voucher program.

For a family receiving assistance at the time of the portability move (i.e., “currently assisted family”), who elects to move with continued assistance under portability to the jurisdiction of another Section 8 program, they may be either very low or low income as a *continuously assisted family*.

#### **PF-§1.04      Procedure for Projecting Unstable Income**

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., "Kelley-Girl") the income will include projected income based upon current income and expenses:

1. Place family on a 90-day re-exam cycle;
2. Require family to bring income information for the most recent 60-day (eight-week period) preceding the date of certification;
3. Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12-month period.
4. Combine the income from this period with the income from the prior period to establish a

new baseline weekly or monthly figure;

5. Recalculate the TTP and determine need for additional interim re-exams.

**PF-§1.05      Housing Agency Policy Governing Verification of Zero Income.**

All income representations made by the family to the Housing Agency must be verified to ensure the accurate calculation of total tenant payment and housing assistance payment. When a family claims *zero* income the staff will use the following procedures:

1. Head or co-head of household must complete a *Family Economic-Sufficiency* Form. This form will inquire as to how the family is currently covering living expenses such as utilities, food, clothing, etc.
2. Review the family information to evaluate possible participation in programs such as TANF, unemployment, etc.
3. Pose questions to the family intended to probe for unreported income and to clarify any discrepancies.
4. Have the head or co-head complete the following verification forms, even if they represent they do not receive income from these sources:
  - Food Stamp verification form
  - TANF verification form
  - Unemployment benefits verification form
  - Credit bureau reporting verification form
  - Any other verification form that appears to fit the family's profile
  - Income Tax Return
  - IRS Request for Information

If the verification form reflects income from these sources the Section 8 staff will act on the information provided by the source. The Section 8 staff is also to meet with the family to discuss any discrepancies and to provide the family with the opportunity to explain the discrepancies, and to supply information, which controverts the information, received.

When the credit report reflects "more money going out than coming in" any recurring payments made to the family or on behalf of the family will be counted as "income" consistent with 24 CFR 5 as "regularly recurring cash contributing gifts".

If the family generally disputes the information provided by the third party the Section 8 staff is to seek further clarification by phone with the third party. The information provided by the third party is to prevail. The family will be offered the opportunity for an informal review of any decision reached based upon the third party information if the family feels that the Housing Agency's decision has an adverse effect. The decision of the hearing officer will prevail.

## **PF-§1.06 Social Security Reporting Requirements**

Families are required to provide social security numbers for all family members age 6 and older, if they have been assigned a social security number (SSN), as a condition of initial and continued eligibility.

If a family member age six and older does not have a social security number the family:

- Must provide a certification that a SSN has not been assigned; and Family must agree to provide any social security numbers assigned after the date of the certification.
- For a minor age six to seventeen without a social security number the head of household or legal guardian will be required to complete the prescribed certification form.
- If an adult household member reports no social security number the adult must execute the required form.

If a non-elderly applicant or participant provides a social security number for which they state they cannot provide the appropriate verification the Housing Agency may grant a 60-day extension period in which to obtain and submit the required documentation.

For elderly families the Housing Agency may grant an extension of up to 120 days in which to provide the required documentation.

Failure of any family to supply the required documentation within the prescribed extension period will result in denial (applicant) or termination (participant) of assistance.

Verification of social security numbers reported by household members will be evidenced through submission of a valid social security card issued by the Social Security Administration or through an alternate form of documentation including, but not necessarily limited to:

- Benefit award letters
- Drivers license
- Employment identification card
- The Municipality of Villalba Housing Agency 's state-issued identification card
- Payroll stubs
- Bank statements
- Medical insurance identification card
- IRS form 1099 (or similar)
- Medical insurance/medical provider card.
- Military identification card

A person age 6+ proposed to join a family in occupancy must comply with provisions of this part.

#### **PF-§1.07      Section 214 Declaration**

Pursuant to Section 214 of the 1980 *Housing and Community Development Amendments*, all applicant and participant households must provide a declaration of citizenship or eligible immigration status. The Section 8 staff will provide this form with a letter of explanation to each household applying for assistance. If an applicant family member has ineligible status the family may not receive full subsidy. If any member of the family is a U.S. citizen or has eligible immigration status then the family may qualify for pro-rated/partial assistance. If there are no family members with citizen or eligible immigration status then the family will be determined ineligible for subsidy and denied issuance of a voucher. An ineligible family will be informed in writing of the denial and their right to request an informal hearing equal to the hearing granted for a participant family.

If there are no family members with citizen or eligible immigration status then the family will be determined ineligible for housing. An ineligible family will be informed in writing of the denial and their right to request an informal hearing.

1. In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to content their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.
  - a. Mixed Families. A family is eligible for assistance as long as at least one member is citizen or eligible immigrant. Families that include eligible and ineligible individuals are called a mixed family. Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
  - b. No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
  - c. Non-citizen students defined by HUD in the non-citizen regulations are not eligible for assistance.
2. Section 214 verifications will be accomplished as follows:
  - a. U.S. Citizens or Nationals. Persons claiming status as a U.S. citizen or U.S. national will provide a self-certification in the form prescribed by the agency.
  - b. Eligible Immigrants. Staff will conduct primary verification of eligible immigrant status through the INS automated SAVE (*Systematic Verification for Entitlements*) system using the instructions provided at HUD Guidebook 7420.10

G (pg. 5-7).

Staff will not delay, deny, or terminate assistance to an applicant or currently assisted household if any one of the following circumstances applies:

- At least one person in the household has submitted appropriate INS documents;
- The documents were submitted to the INS on a timely basis, but the verification process has not been completed;
- The family member in question moves;
- The INS appeals process has not been completed
- Assistance is pro-rated;
- Deferral of termination of assistance is granted by the agency;
- For a program participant, the informal hearing process is not complete.

Assistance will be denied or terminated when:

- Declaration of citizenship or eligible immigration status is not submitted by the specified deadline or any extension;
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status and family does not pursue INS or PHA appeal; or
- Required documentation is submitted but INS primary and secondary verification does not verify immigration status, and INS or PHA appeal is pursued but decision(s) are rendered against the family.

When denied the following will be sent by first class mail:

- An explanation of why the financial assistance will be denied or terminated;
- Notification that the family may be eligible for prorated assistance if it is a *mixed family*;
- Procedures for requesting *temporary deferral or proration of assistance for currently assisted families*;
- Family's right to appeal the results of the secondary verification to the INS; and
- Family's right to request an informal hearing from the PHA in lieu of an INS appeal or after an appeal.

Where feasible, the agency will provide all required notices and instructions in a language that

the Family understands if the family is not proficient in English. Care will be taken to ensure that the implementations of the 214 requirements are accomplished consistent with Section 504 and Fair Housing requirements.

**PF-§1.08 Other Criteria For Admission**

1. Applicant must have paid in full any outstanding debt owed to any PHA for public housing, Section 8 voucher or for any previous tenancy under the 1937 Housing Act and/or any other federally assisted housing program.
2. Applicant must have left any previous tenancy under the Section 8 program without being in violation of a family obligation under its Housing Voucher, (unless there was good cause) within the five-year period preceding the date of application for assistance.
3. No family member has committed:
  - Fraud
  - Bribery; or
  - Any other corrupt or criminal act in connection with any federally assisted housing program in the five-year period preceding the date of application for assistance.
4. Family has not breached a pre-existing agreement to repay the Housing Agency for monies owed as a prior program participant. If there are any monies due and owing the Housing Agency the family must make full payment of the debt prior to being issued a voucher. Failure to do so is grounds for denial of assistance.
5. No family member to occupy the assisted unit is an employee the Housing Agency or governing body that makes policies or decisions relating to the operation of the Section 8 program unless HUD has granted a written waiver.

**PF-§1.09 Family Suitability**

It is not the intent of the federal government nor the local government to provide subsidy for a family with a member(s) who have a history of drug related, violent criminal activity, nor alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of others.

If the family member involved in the illegal drug activity or violent criminal activity will not occupy the assisted unit, or can demonstrate that he/she is recovering or has recovered from such addiction and does not currently use or possess a controlled substance, the Housing Agency may approve the family for program participation.

The Housing Agency will not screen for factors that relate to suitability of the applicant family as "tenants".

Section 8 staff is prohibited from considering *suitability factors*, such as those described below, when determining family eligibility for Section 8 rental assistance:

1. Prior rent paying history;
2. Outstanding debts owed to previous owners (unless there was an owner's claim which was paid by the Housing Agency on behalf of the family, thus creating a financial obligation to the Housing Agency); or
3. History of damage to rental properties, etc.

The above forms of screening and evaluating an applicant for tenancy are the responsibility of the landlord and not the Housing Agency.

Owners are advised both orally and in writing of their obligation to perform normal, routine screening of applicants they propose to house.

The Housing Agency will continually urge owners to conduct such thorough screening on a uniform, consistent and non-discriminatory basis as part of the owner's routine tenant selection process.

The Housing Agency will provide the following information to prospective landlords to the extent such information is a part of the applicant/tenant file and does not violate the privacy act.

- Current address
- Current landlord information
- Prior landlord information
- Outstanding claims for unpaid rent or damages owing the program

#### **PF-§1.10      Grounds For Denial of Admission and Notice to Family**

If the applicant household does not meet the factors of eligibility stated in this section the Housing Agency will make a determination of ineligibility. Any family determined to be ineligible for assistance will be notified in writing within five (5) working days of the decision.

#### **PF-§1.11      Informal Review Procedure For Applicants**

Applicants will be provided an opportunity for informal review of decisions that deny the applicant placement on the Waiting List, issuance of a Section 8 voucher or participation in the Section 8 program.

1. The written notice of ineligibility will state the reason for the determination and advise

the family of its right to request an informal review of the decision within fourteen (14) calendar days of the date of the Housing Agency's notice of ineligibility.

2. Applicant will be given the opportunity for informal review in accordance with these procedures:
  - If such a review is requested the informal review will be conducted within ten (10) calendar days of receiving the family's written request.
  - Review shall be conducted by any employee, other than a person who made or approved the decision under review or a subordinate of that person.
  - Applicant shall be given an opportunity to present oral or written objections to the Housing Agency decision.
  - Applicant has the right to legal counsel or other representation at his/her expense.
  - The hearing officer will notify the applicant in writing of the final decision within five (5) working days after the informal review. This notice shall include a brief statement of the reasons for the final decision.

## **H. DETERMINATION OF FAMILY INCOME AND FACTORS OF ELIGIBILITY**

### **1. Application for Admission**

The Housing Agency shall determine eligibility for Section 8 rental assistance in accordance with criteria established by HUD and the Municipality of Villalba Housing Agency. In so doing, the Housing Agency shall require every applicant to complete and sign an application prescribed by the Housing Agency, as well as applicable verification consent forms.

### **2. Determination of Annual Income**

Family income for purposes of determining income eligibility and tenant rent and subsidy shall be computed in accordance with HUD specified sources and amounts of income to be included or excluded as stated at 24 CFR §5 Subpart F.

Additionally, the Municipality of Villalba Housing Agency shall exclude certain amounts of earned income under designated and qualified local training programs related to Welfare Reform as specified in HUD Notice 98-2, and consistent with 24 CFR§5.609.

### **3. Verification of Factors of Initial Eligibility and Tenant Rent**

To document program eligibility, preference rating, dwelling size and rent to be paid, the information submitted on the application for admission shall be independently verified. Program verification used shall be valid for a period of 60 days prior to admission. Program verifications used for annual re-exams shall be valid for a period of 120 days prior to the effective date of re-examination of family circumstances.



The Housing Agency will follow the verification methods prescribed in HUD PIH- Notice 92-45 and PIH Notice 2001-15.

When third party verification source cannot or will not provide the required information within four weeks this will be noted in the applicant or tenant file and the Housing Agency will document the alternative method used.

The Housing Agency may review original documents provided by the family and use this as the basis for a provisional determination that will remain subject to third party verification.

If third party verification is received after the provisional determination of initial/continued eligibility or tenant rent has been made the Housing Agency will use the third party independent verification to make a retroactive determination. A family's rent may be increased or decreased retroactively.

If there is a determination that a family was not initially eligible for program participation the family will be terminated on 30 day written notice to the family and owner. Any ineligible family will be required to make full repayment of subsidy received to which the family was not entitled.

#### 4. Verification of Annual Income

Anticipated income is a prime determinant of an applicant's eligibility for participation and their level of rental assistance. An Annual income means income from all sources received by the family head and spouse (even if temporarily absent), and by each additional member of the family, including all net income to be derived from assets for the upcoming 12-month period.

Annual income will be determined based on appropriate third party verification. Initial income eligibility is established by comparing annual income to the HUD-prescribed maximum income limit.

There is no minimum income requirement for participation in the Section 8 rental assistance programs.

#### 5. Record of Family

A file folder shall be established for each applicant and participant family and shall contain the original application and all data collected to verify and document the family's status. For each participant family the Housing Agency will maintain as part of the family record the family's application, applicable verifications, a copy of the executed lease and the HAP contract, as well as correspondence between the family and Housing Agency. The Housing Agency shall retain all applicant/tenant certifications and relevant documentation as set forth in 24 CFR 982, as amended.

6. Misrepresentation of Family Circumstances

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Agency may deny and/or terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition.

7. Determination of Ineligibility

If an applicant is determined to be ineligible for Section 8 rental assistance, the Housing Agency shall promptly state the reasons for its determination to the applicant in writing. The letter shall also state that the applicant may request an informal discussion and explain how to request the informal discussion.

8. Suspension of Voucher Issuance

If there is insufficient funding to assist the family at the top of the waiting list, the Housing Agency will not issue any form of assistance to any other family on the waiting list until there is sufficient funds to assist the family at the top of the waiting list.

However, if HUD awards the Housing Agency funds for a specified category of families on the waiting list, the Housing Agency must select families in that category, even if they are not at the top of the waiting list for one year. All such selections will be made as a Special Admission and so noted in the tenant and waiting list records.

9. Removal from the Tenant-Based Assistance Waiting List

The Housing Agency will remove a family's name from the Section 8 waiting list if the family is determined ineligible in accordance with criteria prescribed by HUD or Housing Agency policy. The Housing Agency may also remove a family's name from its waiting list for family's failure to provide the Housing Agency with a new mailing address and/or any correspondence is returned with no forwarding address or family fails to participate in 2+ scheduled appointment(s) without good cause. The Housing Agency may also remove a family's name from the waiting list based upon a family's written request.

**PG-§1.00 Policy and Procedures for Verifying Factors of Eligibility**

Verification of income and asset information is required to determine eligibility for admission and continued assistance. All of the family's written representations that affect the family's eligibility or rent, must be verified by the Housing Agency's Section 8 Admissions staff.

Written inquiries will include:

- Statement of the purpose for requesting family data; and
- Statement signed by the applicant to permit the source to release

information/family data.

When an applicant or tenant reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received, (i.e., Temporary Assistance for Needy Families (TANF), welfare, unemployment compensation, child support, etc.) the absence of such income will be verified.

Family may be required to sign verification consent forms for:

- Temporary Assistance for Needy Families (TANF)
- Food Stamps
- Unemployment Compensation
- State Wage Information Collection Housing Agency
- Credit Reports

For an initial determination of eligibility all required verifications must be current (i.e., issued within the 60 day period preceding the date of interview).

Tenant files will contain documentation of all required verifications.

1. Applicants/tenants must cooperate with Section 8 staff and comply with the Housing Agency's certification/verification process by providing enough information to allow the Section 8 office to obtain verification from a third party of all statements regarding eligibility and rent. Family composition is generally treated as a self-certification. The signature of the head and/or co-head of household on the application for housing assistance will normally be considered sufficient verification for family composition. However, the Housing Agency may require proof of family composition consistent with the Housing Agency's definition of *family*.
2. All income, assets and each applicable deduction will be verified at the time of admission and at each subsequent re-examination. Income will be verified by third party verification. If third party written verification is not possible Section 8 staff shall attempt to receive third party oral verification by calling the source or participating in a meeting with the source. Whenever third party oral verification is utilized the Eligibility Specialist/Housing Representative (OS) who received the information will be required to document the date of the phone contact, the name of the person they spoke with, information received and sign their name. Additionally, the Eligibility Specialist/Housing Representative will complete the Housing Agency's third party oral verification form. This form will identify with whom they spoke, the date, and other critical information. If neither third party written nor oral verification is possible this will be noted in the file and Section 8 staff shall undertake a review of documentation provided by the family. Eligibility Specialists/Housing Representatives are to review documents provided by the family for: *date, authenticity, and completeness*. If documents appear to be altered they should not be considered and alternative

documentation should be requested.

The following statements will also be verified and documented in the tenant file:

- a. Age of family members when the sole factor determining factor of eligibility is age or to support deductions claimed for minors or elderly household status;
- b. Displacement, handicap, disability, veteran or serviceman status when they are a factor in determining eligibility for certain deductions or preferences;
- c. Full-time student status.

#### ***PG-§1.00.a Policy and Procedures for Third Party Verifications***

*The verification process during the time of application, interim reexamination and annual Re-examination is a critical task in the administration of the Department of Housing and Urban Development (HUD) assisted housing programs. This task requires Public Housing Agencies (PHA's) to verify factors that affect the determination of an applicant's/participant's adjusted income. The verification process also requires the applicant/participant to provide and disclose information that is true and complete, which is necessary in the administration of HUD's assisted housing programs. The Housing Agency of the Municipality of Villalba is committed to insure that all applicants and participants information is verified for accuracy and completeness.*

*The requirement for third party verification can be found at 24 CFR §960.259(c)(1) and §982.516(a)(2) and states that "The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:*

- *Reported family annual income;*
- *The value of assets;*
- *Expenses related to deductions from annual income; and*
- *Other factors that affect the determination of adjusted income or income-based rent."*

*The Department has defined third party verification based on verification requirements established by the Inspector General's Office, prior HUD notices and guidebooks. References: PIH Notice 2001-15: Improving Income Integrity in Public and Assisted Housing Choice Voucher Program Guidebook (Section 12-4) issued April 2001 The Tenant Integrity Program Training Guide issued by the Office of the Inspector General (Page 51) issued October 1989.*

*Third party verification is defined as independent verification of income and/or expenses by contacting the individual income/expense source(s) supplied by the family. The verification*

*documents must be supplied directly to the independent source by the PHA and returned directly to the PHA from the independent source.*

*The tenant shall not hand carry documents to or from the independent source. The Agency will mail, fax, or e-mail the verification request form to the independent source. In the event that the independent source does not respond to the Agency's, faxed, mailed, or emailed request for information, the Agency will secure and document oral third party verification.*

*The agency will ensure that they use appropriate consent forms to obtain specific information. The HUD Form 9886 authorizes HUD and the PHA to obtain third party verification of the following:*

- *Any income information or materials from State Wage Information Collection Agencies (SWICA).*
- *Income information obtained from previous and current employers. The HUD Form 9886 authorizes HUD only, to obtain third party verification of the following:*
- *Income information from the SSA.*
- *Income return information from the IRS.*

*The HUD Form 9886 may not be used to obtain any other information*

#### *Verification Guidance*

*The Agency will make every effort to secure HUD Systems Available for Upfront Income Verification.*

*The Agency will use HUD's Tenant Assessment Sub-System (TASS) and centralized UIV System as acceptable methods for verifying family income.*

*Note: The Agency will insure to have a valid HUD Form 9886 signed by all household members who are 18 years of age or older in the tenant file.*

*The Agency will make use of the Third Party Verification to Supplement Upfront Income Verification.*

**Written Third Party Verification:** *Independent verification of income and/or expenses will be secured by contacting the individual income/expense source(s) supplied by the family. The verification documents must be supplied directly to the independent source by the PHA and be returned directly to the Agency from the independent source.*

**Oral Third Party Verification:** *Independent verification of income and/or expenses will be secured and documented by contacting the individual income/expense source(s) supplied by the family, via telephone or in-person visit. Agency staff will document in the tenant file, the date and time of the telephone call, the name of the person contacted and telephone number, along with the confirmed verified information. This verification method will be the last resource used in the event that the independent source does not respond to the Agency's faxed, mailed, or e-*

*mailed request for information in ten (10) business days.*

**Document Review:** *The Agency will review original documents provided by the tenant in support of their declaration of income during the income reexamination. This verification method will only be used as the sole source of income verification when all other sources of third party verification cannot be obtained. When the Agency has to resort to reviewing tenant-provided documents, the Agency will document in the tenant file why third party verification was not available.*

*Part HH of this plan provides further guidance on the verification method that the Agency will utilize to insure full compliance and adherence with this policy and with HUD's requirements.*

*The Housing Agency of the Municipality of Villalba will use the following verification methods in the order listed below:*

- (1) Upfront Verification*
- (2) Written Third Party Verification*
- (3) Oral Third Party Verification*
- (4) Document Review*
- (5) Tenant Declaration*

*The Agency will attempt to use upfront income verification first and whenever possible, since it is the most preferred method by HUD and does not rely on an individual filling out a form, which may result in lower data integrity.*

*If upfront verification is not available then the Agency will obtain required written third party verification. Verification forms are to be mailed, faxed or e- mailed directly to the independent source. In the event that the independent source fails to respond to written verification requests, the Agency will then contact the independent source by telephone or in a personal visit to obtain the verification. Upon receipt of the information, the Agency must document in the family file, the date and time the information was received along with the name of the person and title that provided the information.*

### **EXCEPTIONS TO THIRD PARTY VERIFICATION REQUIREMENTS:**

*The Housing Agency of the Municipality of Villalba is aware that in some situations, third party verification is not available for a variety of reasons. Oftentimes, the Agency may have to make numerous attempts to obtain the required verifications with no luck, or the income source may not honor written or oral requests for income information, or the asset or expenses to be verified is an insignificant amount, or it may not be cost effective to obtain third party verification of assets and expenses, when the impact on total tenant payment is minimal (See summary of example exceptions to third party verification in Part HH). In these cases, it is acceptable for Agency to review original documents provided by the tenant. However, the Agency is required to document in the family file the reason(s) why third party verification was not available. The Agency will maintain a photocopy of the original document in the family file.*

### **PG-§1.01      Verification of Handicap/Disability Status**

To ensure compliance with the non-discrimination provisions of the *Fair Housing Amendments Act of 1988* and *Section 504 of the Rehabilitation Act of 1973*, the Housing Agency will implement the following procedures when verifying a family's representation that the head or co-head/spouse is handicapped or disabled for 12 months or more.

1. Such verification will only occur when the head/co-head has indicated in writing that a family member is handicapped or disabled and the family feels that such status entitles them to special deductions and/or special assistance in locating suitable units or preference in tenant selection.
2. Person(s) who receives Supplemental Security Income Disability Payments (SSI) or Social Security Disability (SSD) benefits will be determined handicapped/disabled and no further verification will be required.
3. No family/family member will be required to attest to nor establish their ability to live independently as a condition of initial or continued eligibility for assistance.
4. If the individual with a disability has been recently de-institutionalized or states they are otherwise disabled, but is not receiving SSI/SSD, verification from a trained professional (i.e., doctor, therapist,) that the named person meets HUD's definition of handicap or disability will be adequate verification. Section 8 staff will provide the third party with a certification form containing the HUD definition.

### **PG-§1.02      Use of the HUD Form 9886.**

The HUD Form 9886, *Authorization for the Release of Information/Privacy Act Notice*, must be executed by all adult household members (and spouse regardless of age) age 18 and older. This form must be completed for each initial certification and annual re-certification. If the family undergoes an interim re-exam and there is a family member who has since the last certification attained age 18, this household member will be required to complete the Form 9886 as part of the interim re-examination.

Eligibility Specialist /Housing Representative will review with the applicants/participants the Authorization for the Release of Information/Privacy Act Notice, to explain (a) how the information provided by the participant will be used by HUD; (b) HUD's restriction on disclosure of the information; and (c) that other information requested by the Public Housing Agency are HUD eligibility requirements.

**Note:** The Consent form expires 15 months after date signed.

Individual verification forms will continue to be used to collect the specific information to be verified, such as the employment verification form which requests information specific to rate

and frequency of pay, as well as potential for overtime, tips, fees, and bonuses.

When the Housing Agency has reason to believe that a family's circumstances have changed, or are different from the representations made on the most recent certification the Housing Agency will send the form 9886 to any/all sources designated on the form.

## **I. ELIGIBLE FAMILIES**

### **A. Voucher**

If an applicant is determined to be eligible and sufficient funding is available, such applicant shall be issued a *Housing Choice Voucher* signed by a duly authorized representative of the Housing Agency.

### **B. Preference in Selection of Eligible Families**

In selecting eligible families for participation in the Housing Choice Voucher Program, the Housing Agency shall apply the following order: The HA shall select one person from the preference list and one from the regular waiting list\*, in the order of the date and time of their application. The following preferences are: **\*As of January 2009**

- 1-victims of domestic violence \* With a protection order. They will have this preference as long as the protection order is active.
- 1-elderly \* 62 years old.
- 1-handicapped persons \* This include any member of the family that has a handicap certified by a Doctor in such area. Insulin dependent persons will be considered handicapped.
- 1-Governme eviction. \* An exception will be granted if the evicted person was not involved in a drug related activity that occasioned the eviction.

### **C. Exception(s) To the Granting of Local Preferences in Tenant Selection**

1-An applicant will not be granted any local preference if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related criminal activity and/or has any debt with a local of federal government agency.

2-If a participant becomes eligible for one of the above preferences in a date later than the application date and that date is already gone, this participant will be included taking in consideration the date in which the incapacity was diagnose or certified by the Doctor. **\*Effective in November 2009.**

The Municipality of Villalba Housing Agency will grant an exception to such a family only if:



1-The responsible member has successfully completed a rehabilitation program and/or has paid in full or enter in a re-payment agreement for all the government debts.

D. Notice of Denial of a Preference

If the Housing Agency determines that an applicant does not meet the criteria for a local preference claimed, the Housing Agency should promptly notify the applicant in writing. The notice shall state the reasons for the denial and that the applicant has a right to request an informal review with the Housing Agency's staff.

The Housing Agency will not deny a family's claimed preference, nor remove a family from the waiting list solely because the applicant family has applied for, received, or refused other forms of housing assistance.

E. Issuance of Housing Choice Vouchers

1. Tenant Selection

The Housing Agency will issue housing choice vouchers pursuant to HUD'S final rule, effective October 1, 1999. An available housing choice voucher will be issued to eligible applicants as the family reaches the top of the waiting list (and in accordance with applicable preferences and date/time of application). The owner decides whether a voucher-holder is suitable for tenancy based upon the outcome of the owner's routine screening.

The Housing Agency, in deciding whether to admit the applicant/family, will not discriminate on the basis of age, race, color, religion, sex, national origin, disability, whether the family has children, whether family members are unwed parents, recipients of public assistance, or children born out of wedlock. The Housing Agency cannot adopt a preference in tenant selection for higher income families over lower income families. [24 CFR §982.202 (b)]

2. Family Briefing

When a family initially receives a Voucher, a full explanation of the Section 8 program requirements shall be provided as part of the family's briefing as outlined in 24 CFR 982.301, as amended, for Voucher holders.

3. Expiration and Extension of Voucher

The term of the Voucher shall be as outlined in 24 CFR 982.303, as amended. The initial term of the voucher is 60 days. If appropriate and necessary the Housing Agency will grant to the family a 60-days term extension, as an added reasonable accommodation. A disabled family shall be granted an initial 120 days term as a *reasonable accommodation* where supported by

documentation that the family's inability to secure approved housing within the 120 day term was directly related to a family member's disability.

If a family submits a Request for Tenancy Approval (RFTA) prior to the expiration date and the RFTA is subsequently disapproved, the Voucher may be extended upon written request of the family for a period equivalent to the number of days between the submission of the RFTA and the date of disapproval of the RFTA.

A family may submit a written request for an extension of time to search for suitable housing. The written request must be received before the expiration date on the voucher. The Housing Agency will evaluate each request and determine the likelihood of the family finding housing with additional time to search. An approved extension will be granted for a 30 day period of time with proof of effort to timely secure an approved form of housing. Only in extenuating circumstances, such as hospitalization or jury sequestration, will a second extension of 30 days be granted.

#### 4. Family Break-Up- Eligibility in Event of *Family Dissolution*

If either an applicant's or participant's family experiences a break or division of its original household composition the Housing Agency shall commit the housing assistance to the adult applicant, and who was either head or co-head of household, and who retains custody of any minor children. If there are no minor children involved the housing assistance shall be committed to the person who signed the application for initial or continued assistance. If more than one person signed the application, and there are no minor children involved, the Housing Agency shall require the adults to decide who shall receive the housing assistance. If the adults cannot decide within the time frame prescribed, then the Housing Agency shall terminate the application for initial or continued assistance and each party must make new application for assistance.

In the event the parties elect to resolve the dispute in a court of law, then the Housing Agency shall stay any administrative decision and comply with the terms of the court decision.

#### 5. Family Absence From the Unit

Family may be absent from the assisted unit for up to 30 consecutive days without written notice to the Housing Agency. If the family expects to be absent in excess of 30 consecutive days the family must advise the Housing Agency in writing of the anticipated term of absence and the reason. The Housing Agency may allow the family to be absent from the unit for up to 90 consecutive days with continued assistance on good cause shown. If there is no family member remaining in the unit after 90 consecutive days the Housing Agency will commence the process of terminating housing assistance payments to the owner upon written notice to family and owner. Should the Housing Agency become aware of a family's extended absence from the assisted unit and the family has not received written approval of the Housing Agency the housing assistance may be terminated sooner than 90 days upon written notice to family and owner. A

waiver to this part can be granted at the discretion of the Housing Agency's Manager for periods exceeding 90 days but for no more than 180 days. [24 CFR §982.312]

**J. SUBSIDY STANDARDS [24 CFR §982.402]**

In issuing the choice voucher to an eligible family, the Housing Agency shall determine the number of bedrooms to be placed on the housing choice voucher for families of different size and composition. These standards are developed for the purpose of determining the voucher size that will best meet the family's needs at the lowest cost to the government.

1. In establishing the subsidy standards the Housing Agency shall:

- Consider the smallest number of bedrooms needed to house the family without overcrowding;
- Assign a subsidy standard that does not require more than two persons to occupy the same bedroom;
- Include every member of the family, regardless of age, including a child who is temporarily absent due to placement in foster care;
- Consider a single pregnant woman with no other family members as a two-person family;
- Consider an approved live-in aide for a qualified family;
- Not assign a subsidy standard that requires parent(s) to share a bedroom with a children(s);
- Not require children of the opposite sex to share a bedroom as long as one child is age six (6) or older.

In determining the appropriate unit size for a particular family, the Housing Agency may grant an exception to its established standards where justified by the age, sex, health, handicap, or relationship of family members or by other personal circumstances.

A family may lease an otherwise acceptable unit with more bedrooms than the subsidy standard stated on the voucher, though the payment standard (for the voucher program) cannot exceed the payment standard for the designated family unit (subsidy standard) size.

The family may also lease a unit with fewer bedrooms than the subsidy standard size stated on the housing voucher, as long as the smaller unit meets the applicable HQS space requirements at 24 CFR §982.402[d]. However, the calculation of housing subsidy will be based on the actual unit size selected as will the allowance for any tenant-paid utilities.

The living room of a unit may be used as a sleeping room if it meets the HQS standards for a sleeping room. However, the living room cannot be counted as a bedroom for purposes of determining the *applicable payment standard* for the family.

## **PI-§1.00      Subsidy Standards for Issuing Vouchers**

The Housing Agency will use its subsidy standards to determine the voucher that appears to best meet the family's need for housing while maximizing the use of the space and minimizing the cost to the government. The adopted standards will be consistent with the HQS space standards that are intended to avoid overcrowding. The family, at its option, may select a unit with fewer bedrooms than stated on the vouchers if it does not require more than two persons per sleeping room. This usually results in a lesser payment standard and reduced subsidy.

The Housing Representative is to issue the voucher in the size consistent with the Housing Agency's most recently adopted subsidy standards. Should this result in a unit of five (5) or more bedrooms the Housing Representative shall use the formula in the *Federal Register* for establishing the applicable FMR and Payment Standard.

### **PI-§1.01      Fair Housing Impact.**

The Fair Housing Amendments Act of 1988 extended protections against discrimination in housing to two additional classes of persons:

- Persons with a disability; and
- Families with children.

The family can select a unit equal in size to the voucher size, or larger or smaller than the voucher size, but consistent with the HQS space standard restrictions (i.e., no more than 2 persons per sleeping room including the use of the living room as a sleeping room).

It is the intent of this Housing Agency to administer all aspects of its program administration and personnel management system in a non-discriminatory fashion.

### **PI-§1.02      Factors to be Considered**

ALL household members and *persons expected to reside* are to be included when establishing the voucher size that will best meet the family's needs.

A temporarily absent family member will be counted for subsidy purposes. A temporarily *absent family member* means a member of the household who is expected to reside in the assisted dwelling unit during the upcoming 12-month period but who will be absent from the unit for some portion of this 12-month period.

1. Children away at school who are listed as family members will:
  - a. Also be included when determining the applicable family subsidy standard; and
  - b. Any other family members who are temporarily absent.

2. A single person household may be assigned a zero bedroom voucher.

**PI-§1.03 Section 8 Unit Assignment v. Actual Unit Size Selected.**

The Housing Representative establishes the voucher size (i.e., *family unit size*) based upon a review of the family's household composition.

The family may select a unit, which differs from the voucher size, and the Housing Representative under the following guidelines will approve this:

- Generally, unit size selected would not result in more than two persons per sleeping room under the voucher program (including the living room).
- For a voucher-holder the Payment Standard used to establish subsidy would be based on the lesser of the voucher size or the actual unit size selected by the family.
- When a family must pay some or all of their own utilities directly to the utility supplier the utility allowance to be used will always be based on actual unit size selected by the family.

**PI-§1.04 Exceptions to the Established Subsidy Standards Prior to Family HAP Being Made (i.e. Applicant Status)**

A family may request an exception to the established subsidy standards for the following reasons and with appropriate documentation.

- Medical reasons;
- Additional household members due to birth, adoption, court-awarded custody, marriage; and
- Addition of a live-in aide.

Any request for an exception must be made in writing with the appropriate supporting documentation.

**PI-§1.05 Live-In Aide Policy**

An elderly, handicapped, or disabled person may have a care-attendant/live-in aide occupy the unit when this care is:

- Essential to the care and well-being of the voucher holder; and
- The care-giver is not obligated to provide financial support for the elderly, handicapped or disabled person; and

- The care provider would not occupy the unit except for the express purpose of providing necessary supportive services.

The Housing Agency requires verification from a source qualified to make the following determinations:

- The care provided is medically necessary;
- Description of the medical and/or necessary supportive services to be provided
- Estimate of the period of time such care will be required.

Persons qualified to provide the required third party verification include, but are not necessarily limited to:

- Medical doctors
- Psychologists/psychiatrists
- Chiropractors
- Osteopaths
- Psychiatric Social Worker

There is no prohibition against a related family member acting in the capacity of a live-in aide. The relative must meet the same criteria and the same third party verification is required. When a relative is the "live-in aide" they will not be listed as a "family" member and any income of a live-in aide will not be counted as income to the household for purposes of determining eligibility or rent. There will be no "deductions" for a live-in aide and the live-in aide does not retain any right to occupancy as the remaining member of a tenant's family when the voucher-holder vacates the unit/program.

If the live-in aide has other family members they wish to occupy the unit, the Housing Agency shall grant such approval if the addition of the live-in aide's family members does not result in a larger voucher size (i.e., increased subsidy) and the occupancy by the voucher-holder with the live-in aide and live-in aide's family members will not result in overcrowding, (i.e., more than 2 persons per sleeping room).

The live-in aide is subject to screening and approval by both the agency and the owner.

The live-in aide may hold outside employment or attend school if there is evidence that appropriate alternative care will be provided to the elderly, handicapped or disabled person during these periods of time.

The landlord has the right to require the live-in aide to execute a lease rider agreeing to abide by the terms and conditions of occupancy set forth in the lease agreement.

If the live-in aide violates provisions of the lease rider the owner may take action against the live-in aide separate from action against the assisted family.

If the live-in aide or their family members participate in drug-related activities, either the Housing Agency or the owner may rescind the aide's right to occupy the unit.

When the Housing Agency takes such action against the live-in aide the aide is not entitled to the informal hearing process of the Housing Agency.

**PI-§1.06 Exceptions to the Established Subsidy Standards After Subsidy Payments (HAP) Have Begun (i.e., Participant Status)**

The Housing Representative will review the family's composition as part of the annual re-exam.

1. If there are/will be changes in the household size the voucher size will automatically be adjusted based upon the established subsidy standards and the current/projected family composition.
2. The participant/family may request a different voucher size between regularly scheduled re-exams due to changes in the family size that would result in more than two persons per sleeping room.

All such additions to the family composition must first be approved/documented by the Section 8 Office before there is consideration of the voucher unit size change due to reasons such as:

- Adoption
- Births
- Court awarded custody
- Foster child care
- Need for a live-in aide
- Disability of a current household member
- Adult children/other family members wishing to join a family already in occupancy

**K. FINDERS'- KEEPERS POLICY**

Upon receipt of a Housing Choice Voucher, the family shall be responsible for finding a unit of appropriate size that meets the HQS prior to expiration of the Voucher. The family may select the unit that it currently occupies if the unit meets the HQS and is determined to be *rent reasonable* and the owner is willing to execute new leasing documents under the Section 8 program. The Housing Agency may provide assistance in finding units for those families who, because of age, handicap, or other reasons are unable to find a unit and may provide assistance in cases where the family alleges that discrimination is preventing it from finding a unit. Any such assistance shall be in accordance with the Housing Agency's *Administrative Plan and Procedures*

and shall not directly or indirectly reduce the family's opportunity to choose among available units. Section 8 housing choice voucher assistance may not be utilized for dwelling units receiving Section 8 project-based assistance as this constitutes *duplicative assistance*.

#### **L. PORTABILITY [24 CFR '982.354]**

The provisions for portability of vouchers shall be as outlined in 24 CFR §982.354, as amended. If neither the head nor spouse resides in Villalba at the time of application they must initially lease a unit in Villalba before they can exercise their right of portability. The Housing Agency limits family moves to not more than one in any twelve-month period under portability.

*The Housing Agency will deny permission for a family to exercise portability as cited in 24 CFR 982.314(e)(1), in the event that the Villalba Housing Agency does not have sufficient funds to pay a higher subsidy in another jurisdiction and the receiving PHA will not absorb the family into their program.*

#### **PK-§1.00 Portability of Housing Choice Vouchers**

For any family wishing to exercise *portability* an individual briefing session will be scheduled.

Vouchers are portable as the result of various statutory and regulatory provisions. Participating families will be advised during both the initial and annual reexam briefing sessions of the portability provisions.

The Municipality of Villalba Housing Agency will provide a list of neighboring PHA's with the name, address and telephone number of a portability contact person at each.

Housing Choice Vouchers allow the holder to move to the jurisdiction of any public Housing Agency administering the Section 8 voucher program.

A Housing Representative will provide families wishing to exercise their option of portability with an updated *portability-move* packet. The Housing Representative must establish the family's income eligibility under the receiving PHA's income limits for those families with first time assistance at time of portability, and must forward the most recent form 50058 and related verification forms to the receiving PHA. The family currently receiving subsidy at the time of portability is not required to be income-eligible.

The required HUD form (Form HUD 52665) for recording portability activity will be completed by the Housing Representative and explained to the client family, as appropriate. The Section 8 program manager will be the first point of contact for each *incoming portable* client.

A family who owes money to the Housing Agency will be required to either repay in full or be



current under any existing repayment agreement as a condition of eligibility to move with continued rental assistance under portability. A voucher holder must be in full compliance with the family obligations to be eligible for a portability move.

In-coming portable participants currently enrolled in another PHA's FSS program will be automatically enrolled in the Housing Agency's FSS program if slots are available. If not they will be placed on FSS waiting list.

**M. FAMILY'S RIGHT TO MOVE [24 CFR §982.314]**

Without regard to portability, an assisted family may move to a new unit if:

- The assisted lease for the old unit has terminated;
- The owner has given the tenant a notice to vacate or has commenced an eviction action, or has obtained a court judgment or other process allowing the owner to evict the family; or
- The family has given notice to the owner and the Housing Agency of their intent to terminate the lease.

In order to move with continued assistance, the family must initially occupy an assisted unit for 12 months before terminating the lease with the owner unless there is (a) good cause. *Good cause* may include, but is not necessarily limited to owner's failure to provide services under the lease, or (b) mutual agreement by the owner and tenant to terminate the lease.

A family may move one or more times with continued assistance, either within the jurisdiction of the Housing Agency or to the jurisdiction of another PHA, notwithstanding the limitation of moving only once in a 12 month period under portability.

**A family who owes money to the Housing Agency will be required to either repay in full or be current under any existing repayment agreement as a condition of eligibility to move with continued rental assistance under portability.**

**N. OWNER OBLIGATION TO SCREEN FAMILIES [24 CFR §982.307]**

An owner generally has no obligation to participate in the Section 8 housing choice voucher program and can refuse to accept a voucher holder, even if this means an otherwise acceptable family is unable to lease the unit.

Owners are responsible for screening families selected by the Housing Agency for admission to the program to determine whether they will be suitable tenants. **While the Housing Agency may elect to implement some limited form of *tenant suitability screening* this does not remove the owner of duty for performing tenant screening in a manner equal to the screening performed for unassisted tenants.**

An owner may consider such factors as:

1. The family's history of payment of rent and utility bills;
2. Caring for a dwelling unit;
3. Respecting- the rights of others;
4. Family history of drug-related criminal activity or other criminal activity which threatens the life, safety, or property of others.

The Housing Agency will give the owner the Voucher-holder's current address and, if known, the name and address of the landlord at the family's current and prior address. The Housing Agency will also provide a prospective landlord with any of the following information which is a part of the applicant's/participant's file: record of prior eviction from a unit receiving Section 8 assistance through this Housing Agency; and/or record of family creating excessive damages to a rental unit. [24 CFR§982.307]

#### **O. RENTAL AGREEMENT/ LEASE APPROVAL [24 CFR §982.308]**

The Housing Agency must approve the owner's form of lease for the rental unit. The Housing Agency may not give such approval until it determines that the unit is eligible and meets the HQS; that the lease is approvable; the rent to the owner is *reasonable*; and the owner has not been deemed ineligible by HUD or the agency to participate in any HUD-funded housing program.

The Municipality of Villalba Housing Agency will establish and maintain records that include comparable data on unassisted units in the market. This data will be used by Section 8 staff in making their determination of the reasonableness of the owner's proposed rent. The Housing Representative(s) will use the methodology described in Exhibit # 1 of this Plan.

All assisted leases must include certain language required by HUD. The language must prohibit certain types of lease provisions involving concessions by the tenant, and include by reference all other lease covenants prescribed by law for the Section 8 housing choice voucher program. The Housing Agency may also decline to approve the owner's lease if the owner fails to execute the required HUD Lease Addendum (Form HUD 52641-A), or if the owner's lease does not comply with major provisions of any applicable state or local landlord tenant laws. [24 CFR §982.308]

Utilities, (A.E.E. and A.A.A.) must be registered in the name of the Voucher holder or other family member at the time the lease is signed unless the owner includes them in the rent.

#### **PN-§1.00 Housing Representative's Role in Leasing**

The Housing Representative is to ensure that all activities and required forms for establishing the assisted tenancy are properly and timely executed. This includes the review and approval of

forms provided by the Housing Agency and/or the owner.

#### **PN-§1.01      Review of Owner's Form of Lease**

The Housing Representative is to review the owner's form of lease against the *prohibited lease provisions* in the HUD tenancy addendum. Any prohibited lease provision must be struck in red ink from the owner's lease and the owner must initial and date the change. The owner is to be advised of their additional obligation to comply with material terms and provisions of the Puerto Rico State Landlord-Tenant laws, including laws prohibiting discrimination in the sale, rental or financing of housing.

The Section 8 Supervisor must approve the owner's lease and the Housing Representative must review the owner's lease for:

1.     Initial term of tenancy of one year with a start and end date of 12 months. Where the lease will begin on other than the first day of the month the end date will be the last day of the same month one year later. For example, if the start date is 5/15/00 the end date will be 5/31/01.
2.     Automatic renewal with defined successive term of *month-to-month, year to year, etc.*
3.     Amount of rent due under the lease stated as the *tenant rent* calculated by the Housing Representative.
4.     Amount of security deposit in an amount not to exceed one month's contract rent or the deposit charged by owner for their other *unassisted* units, whichever is the lesser.
5.     Required provisions of HUD's Section 8 Tenancy Addendum dated March 2000.

#### **P.      TERM OF ASSISTED LEASE [24 CFR §982.309]**

The initial term of the assisted lease between the owner and tenant should be at least one year, and the assisted lease must provide for automatic renewal. However, a shorter initial term may be entered into if consistent with local rental market practices or the PHA needs.

The tenant family can terminate the lease at any time after the initial term of the lease. The tenant family must provide written notice of termination to the owner, pursuant to the lease, with a copy to the Housing Agency. The tenant cannot be required to give more than 60 days notice to the owner. [24 CFR §982.309(b)]

The lease can also be terminated at any time by mutual agreement of the owner and tenant. The assisted lease will automatically terminate if the PHA terminates the owner's HAP contract or assistance for the family.

The owner is required to give 30 days written notice to the tenant where the owner is terminating at the end of the lease term. The owner can terminate the family's tenancy during the term of the lease only for *serious or repeated violations of the lease; violation of federal, state, or local law;*

*or other good cause.* Owner must follow lease terms and landlord/tenant law for such terminations.

Grounds for owners to terminate the lease include, but is not limited to: *criminal activity by the tenant, any member of the tenant's household, a guest, or any other person under the tenant's control that involves drugs or other criminal activity threatening the health, safety, or right to peaceful enjoyment of their residence by persons residing in or near the tenant's residence.* [24 CFR §982.3 1 0]. See VAWA page 83.

Owner initiated eviction procedure must be established through the court systems, pursuant to State and local laws and any applicable HUD requirements.

*Other good cause* generally includes, but is not limited to: the family's failure to accept a new or revised lease; a family's history of disturbance of neighbors or destruction of property the owner's desire to use the unit for personal use or for a purpose other than as a residential rental unit; or a business or economic purpose, such as the owner's desire to lease the unit at a higher rent. During the first year of the lease, the owner may not terminate for *other good cause* unless it involves a family lease violation. [24 CFR §982.310]

#### **PO-§1.00 Assisted Tenancy**

The lease between the owner and tenant family is for less than the full rent due on the unit. The Housing Agency will make rental assistance payments to the owner on behalf of the assisted tenant. During the term of the assisted tenancy the owner and tenant family must comply with the terms of the lease and HAP contract to ensure continued eligibility for program participation.

#### **PO-§1.01 Initial and Successive Lease Terms**

The Housing Representative must review the owner's form of lease to ensure an initial term of lease for a period of not less than 12 months. The Housing Representative must also ensure that the assisted lease provides for *automatic renewal* (e.g., *month to month or year to year*) after the initial term.

#### **Q. HOUSING AGENCY POLICY GOVERNING OWNER APPROVAL OR DISAPPROVAL [24 CFR §982.306]**

An owner can be disapproved for program participation. Reasons for denial of participation can include, but are not limited to: owner has been *debarred, suspended*, or is subject to a *limited denial of participation (LDP)* by HUD [24 CFR 24]; owner has been found to have a practice of serious and repeated noncompliance with the terms of the Section 8 housing assistance payments contract (Form HUD 52641); or criminal activity by the owner.

When directed by HUD, the Housing Agency will not approve an owner or owner's unit if there is a government initiated administrative or judicial action is pending against the owner for a

violation of the *Fair Housing Act* or other federal equal opportunity requirements or if a court or administrative Housing Agency has determined that the owner has committed such a violation. [24 CFR§982.306 (a)-(b)]

The Housing Agency may deny an owner's request for participation for any of the following reasons: [24 CFR §982.306(c)]

- Violation of owner's obligations under any Section 8 contract;
- Fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Drug trafficking (based on a *preponderance of evidence*);
- Owner's history of non-compliance with the HQS or other applicable housing standards,
- Owner's history or practice of renting units which fail to comply with state or local housing codes; and/or
- Owner's failure to pay state or local real estate taxes, fines, or assessments.

#### **R. PAYMENTS DUE THE OWNER: HOUSING ASSISTANCE PAYMENTS AND TENANT RENT**

The Housing Agency shall make Housing Assistance Payments to the Owner on behalf of the eligible family in accordance with the HAP Contract. No payments shall be made for any unit occupied by an Owner except in the instance of owner occupied cooperative housing units or owner occupied mobile homes approved for pad rental assistance payments..

The lease between the owner and tenant shall provide *tenant rent* under the applicable HUD formula. The Housing Agency shall make a payment on behalf of the family to the owner that is known as the housing assistance payment (HAP). **The lease between the owner and tenant shall state the tenant's share of the rent.** The HAP contract will provide for the amount to be paid by the Housing Agency. Initially, and until notice of a change in tenant rent or HAP, the owner may collect only the amounts approved by the Housing Agency.

The Housing Agency may abate its housing assistance payment to the owner for non-compliance with material terms of the HAP contract. The Housing Agency may also withhold housing assistance payments to owner for amounts due the Housing Agency under one or more contracts with the Housing Agency. The owner may not collect from the tenant family any amounts withheld by the Housing Agency. The Housing Agency will terminate HAP the date any owner initiated eviction is concluded.

##### **1. Calculation of Tenant Rent and Subsidy.**

The tenant's rent and subsidy will be calculated in accordance with the prevailing HUD formula, including the minimum rent as most recently adopted by the Housing Board. The minimum rent

adopted by the Municipality of Villalba Housing Agency is \$50.00 dollars.

2. Establishing and Documenting Reasonableness of Owner's Rent

The rent to owner under the housing choice voucher program must be *reasonable* when compared to comparable unassisted units.

The Housing Representative must execute a rent-reasonableness certification at initial occupancy; whenever the owner submits a request for an increase in contract rent; and when there is a decrease in FMRs of five-percent (5%) or more in the 60-day period preceding the effective date of the rent increase.

The Section 8 staff will utilize the rent reasonableness methodology included at Exhibit #1 of this Plan.

3. Timing of Payments

Tenant rent is due and payable to the owner as of the date stated in the lease.

For new contracts, the Housing Agency shall make assistance payments to the owner as of the effective date of the Housing Agency-approved lease; in some instances this may result in a retroactive payment of HAP. The Housing Agency will make every effort to execute the HAP contract with the owner as of the start of the lease term. The Housing Agency has up to 60 days from the date of the approved lease to execute the HAP contract. An owner is entitled to full payment of the HAP as of the approved lease date. However, if the Housing Agency and owner do not execute the HAP contract within 60 days of the lease effective date, the lease between owner and tenant shall be voided and no housing assistance payments will be made. [24 CFR §982.305(c)]

In some instances, the first payment for a new lease-up may not be made until the second month after the approved lease and HAP contract signed by the owner has been returned to the Housing Agency.

After the initial payment for a contract has been received the owner shall continue to receive monthly payments between the first and tenth working day of each month that the family occupies the unit as a Section 8-assisted family. The Municipality of Villalba Housing Agency shall make every reasonable effort to ensure owner payments are mailed on or before the first day of each month. Lost checks may be reissued after notifying the bank to stop payment.

4. Additional Payments

If the family vacates the unit after the first day of the month without written notice to the owner, with a copy to the Municipality of the Villalba Housing Agency, as required under the lease and housing choice voucher, the owner is entitled to keep the full housing assistance payment for the

month. The Housing Agency will not make further payments to an owner for any month after the month the family vacates.

If the family is approved to lease another unit during the same month, the Housing Agency will make a pro-rated payment to the new owner. In short, a family may be approved for two assistance payments for two different units in the same month, and such payments are not considered duplicate assistance.[24 CFR §982.31 l(d)]

#### 5. Special Claims

Payments other than the regular housing assistance payments and approved *late fees* are prohibited in the housing choice voucher program. Any owner claims for unpaid tenant rent, vacancy loss or unit damage must be pursued with the tenant family.

### S. **CHANGING THE VOUCHER PAYMENT STANDARD** [24 CFR §982.503]

At least annually, the Housing Agency shall evaluate whether an adjustment to the payment standard is necessary to assure continued *affordability* of housing by participating families. The evaluation shall take into account "local factors" as well as the financial impact on the program. In no event shall the payment standard be less than 90% of the most recently FMR, nor greater than 110% of the most recently published FMR without express written approval of HUD.

The following are examples of local factors to be considered in establishing the payment standard schedule:

- Participant rent burden
- Actual contract rents for specific bedroom sizes
- Actual rent increases for participating families
- Current fair market rent
- Success rate in securing eligible housing
- Rent reasonableness data
- Vacancy rate data
- Market rent data for comparable unassisted units
- Financial impact on the Housing Voucher Program
- *Sufficient funding level provided by HUD to support continued assistance to families*

The Municipality of Villalba Housing Agency shall analyze whether voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration and, where such difficulties were found, the Public Housing Agency will consider whether it is appropriate to seek approval of exception payment standard amounts in any part of its jurisdiction and has sought HUD approval when necessary.

*In the event that funding levels are insufficient to continue supporting assistance to families, the Villalba Housing Agency will analyze costs to the program, burden to participating families, burden to participating landlords and the overall social economic impacts to its communities. In its analysis the Villalba Housing Agency determines that funding levels are too low it will attempt to lower its payments standards to a tolerable 90% of FMR levels of funding. The Villalba Housing Agency will make every available effort to continue assistance at an adequate level of assistance to include lowering its payment standards below 90% of FMR as an intent to avoid terminations of HAP contracts in accordance with HUD requirements as stated in 24 CFR 982.454.*

1. Changes in Application of the Payment Standard

The family's payment standard may be changed at regular re-examination and at the time the family moves, consistent with the Municipality of Villalba Housing Agency's most recently adopted payment standard schedule.

2. Adjustment to Initial "Rent to Owner"

The rent to owner (contract rent) shall not be changed during the "initial term of lease". Owner may request an increase no sooner than 60 days before the anniversary date of the contract to ensure timely review and response from the VHA and family. The owner may also request approval of an adjustment in the initial rent after the anniversary date upon 60 days written notice. However, any approved increase in rent will not be effective until the first rent period following a 30 day notice of approval to the owner and family.

Owner must provide both the family and the Housing Agency with copy of the owner's proposed rent. The Housing Agency shall make a determination of the "reasonableness" of the owner's proposed rent adjustment using the criteria described in Section Q.2 of this plan. If the agency determines the owner's proposed rent adjustment to be "unreasonable" in light of its review of "like units" (i.e., *unit comparables*) the family will be so advised and given the opportunity to:

- a. Move with continued voucher assistance;
- b. Continue in occupancy with the owner under a non-assisted lease agreement (and absent voucher subsidy).

**T. SECURITY DEPOSITS [24 CFR §982.313]**

The owner may collect a security deposit from the tenant family that does not exceed one month's contract rent. If the owner collects less than one month's rent as security deposit on the owner's other (unassisted) rental units the security deposits on the Section 8 assisted units must be established at the same amount.

Owner may use the security deposit to cover unpaid tenant rent owing at time of move out,



damages and/or other costs allowed under State Landlord-Tenant Act. The Municipality of Villalba Housing Agency will provide a prior Section 8 owner with the current address of a family who continues to receive Section 8 assistance when the owner provides evidence that (1) the unpaid rent/damages exceed the security deposit collected and (2) the owner has received a court judgment for additional amounts owed.

#### **U. CONTINUED ELIGIBILITY AND INCOME ADJUSTMENT**

A family's eligibility for Section 8 Voucher Assistance (HAP) continues if the family meets the requirements governing eligibility, **until** (1) the Total Tenant Payment equals the Gross Rent for the dwelling unit occupied under the Housing choice voucher Program or (2) until 30% of the family's monthly adjusted income equals or exceeds the applicable payment standard under the Voucher Program; or (3) 10% of family's monthly income equals or exceeds the actual rent plus any allowance for tenant-paid utilities. Payments under both programs can be reinstated if the family's income drops. However, if no payments are made for a period of 180 days (6 months), the HAP contract automatically terminates. [24 CFR §982.455]

Termination of rental assistance at such point shall not affect the family's other rights under its lease Agreement nor shall such termination preclude resumption of payment as a result of subsequent changes in income or rents or other relevant circumstances during the six-month term. The family must pay the full contract rent when HAP is reduced to zero, and the assisted lease between the owner and tenant automatically terminates.

#### **PT-§1.00      Interim Reporting Policy and Procedures**

Housing Choice Voucher families are required to report the following changes in family circumstances between regularly scheduled re-certifications:

1. The tenant must report all changes in the household composition.
  - a. If a household member vacates the unit and is considered by the family to be permanently absent; or
  - b. A new person is proposed to move into the unit.
2. The tenant may report any of the following changes that would result in a decrease in the tenant's rent:
  - a. Loss of income;
  - b. Increase in allowable expenses (i.e., *child care, handicapped assistance, medical*).

Decreases in the tenant's portion of the rent will be effective the first day of the month following the month in which the change occurs, sometimes resulting in a retroactive decrease.

However, the Municipality of Villalba PHA will not reduce a tenant's rent for a loss/reduction in welfare income (TANF) due to family:

- Fraud
- Failure to participate in a required work activity
- Failure to participate in a required economic self-sufficiency activity

Any reported reduction in welfare benefits will be verified with the local welfare department. The agency will rely on the written statements of the welfare agency in making its determination of eligibility for a rent reduction.

3. Tenants must report all income increases within 10 days of the change. However, rent increases as a result of an increase in *earned* income from a previously reported employer, or an increase in *cash assistance payments* (e.g., SSI, SSD, TANF, etc.) will not go into effect until the next regular schedule annual examination. However, a change of employers, or a family member becoming employed after having reported being unemployed, will result in an interim re-determination of tenant rent. Other family changes resulting in an interim re-determination of tenant's rent is described at section PT 1.02.
4. A new source of income and/or unreported increases in income (where required by this policy) that remains unreported for more than 30 days, will be considered a program violation resulting in a retroactive increase in tenant's rent. A family with a retroactive increase may be eligible for a repayment agreement. A family cannot, however, enter into multiple payment agreements with the PHA which may result in a requirement of full payment of the amounts owed.

**PT. §1.02 Family Circumstances Requiring Interim Re-exams:**

1. For families reporting zero income, interim re-examinations will be scheduled every 90 days and an affected family will be given 30 days written notice of any increase in TTP;
2. For families whose annual income cannot be projected with any reasonable degree of accuracy such as self-employed persons, interim re-examination shall be conducted every 90 days;
3. For families where Housing Agency personnel made an error at admission or re-examination an interim re-exam will be conducted upon notice by the Municipality of Villalba Housing Agency. The family will not be charged retroactively for an increase in TTP; however, any decrease in tenant's rent will be made retroactive.
4. For families who report a temporary loss of income and the income is expected to be fully restored within 30 days the Housing Agency will not perform an interim re-exam. Staff

must receive 3<sup>rd</sup> party written verification that the income is expected to be fully restored.

5. For families whose rent has been based on false or incomplete information supplied by the applicant or resident an interim re-exam will be conducted upon notice by the Municipality of Villalba Housing Agency. Any increase in TTP will be made retroactively.
6. Notice to the Housing Agency of *family income discrepancies* through HUD's *Tenant Assessment Sub-System (TASS)* will require performance of an interim reexam.

#### **PT-§1.03 Forms Used for Interim Reexaminations**

Adult household members will be required to sign the applicable forms for third party verification for all factors of income or household composition **that have changed since the last certification**. Family factors impacting the rent calculation, which have not changed will not be re-verified even if the verifications are more than 120 days old. Section 8 staff will only verify the reported changes.

#### **PT-§1.04 Standard for Timely Reporting of Changes and Tenant Penalties for Untimely Reporting**

The family must report any required change within thirty (30) calendar days of when income or change in household composition occurs.

If the family does not bring the required information with them to the interview, a new interview date will be set within that month. In addition, third party verification will be sent out to verify the change(s).

An increase in tenant rent may be made retroactively while any decrease will be implemented prospectively, when the family does not keep the second scheduled interview appointment and fails to return by the end of the month. The Total Tenant Payment is calculated when the verification is received, and it will be considered "untimely reporting" by the tenant.

#### **PT-§1.05 When the Change is Reported in a Timely Manner:**

When the family reports a required change in a timely manner the Municipality of Villalba Housing Agency will notify the tenant of any change in the Tenant's Rent to be effective in accordance with the following guidelines:

1. Increase in the Tenant's Rent will be made effective on the first of the month following the 30-day notice of rent increase.
2. Decreases in the Tenant's Rent will be effective the first of the month following the month the change occurred.

The change may be based on the documentation the tenant brought with them to the interview, followed up by the third party verification sent to the agency. Verbal representation alone by the tenant will not be acceptable. If the tenant has no form of documentation to support a decrease, downward rent adjustment will not be processed until the Housing Agency has received the necessary verifications. In such cases, this will result in a retroactive decrease in tenant's rent and the family is not liable for rent payment until the interim has been completed and the family has been notified of the amount and effective date of the change.

**PT-§1.06      Timing of the Next Annual Re-certification:**

Without regard to the number of interim re-exams conducted, the family's annual date of re-exam will remain the same.

**PT-§1.07      Section 8 Staff Procedures for Conducting Annual Re-exams**

The Section 8 Housing Representatives have responsibility for initiating and completing the annual re-exams in a timely manner. This means all required actions, including the annual inspection, is concluded at least thirty (30) days prior to the anniversary date.

The staff shall:

1. Send initial notice to re-certify with scheduled appointment date/time 90-120 days prior to the effective date;
2. Send follow-up notice within 5 days of a missed appointment if a family fails to show or reschedule appointment;
3. Send 30-day notice (3<sup>rd</sup> notice) of intent to terminate for non-compliance with terms of the voucher if the family has failed to respond to first and second notices. However, third notice must be sent at least 30 days prior to anniversary date. Third notice serves as the 30-day termination notice and shall be sent to both the tenant family and owner with reason(s) for proposed termination and family's right to request an informal hearing.
4. If family schedules appointment during the last 30 days Section 8 staff is to process the re-certification. Any changes in tenant's rent will be subject to timing described at §1.04 (i.e., tenant penalty for untimely reporting).
5. If family does not participate in re-exam interview by the scheduled effective date Section 8 staff will follow normal termination of assistance procedures.

**V.      REGULAR (ANNUAL) RE-EXAMINATION OF FAMILY'S INCOME AND CIRCUMSTANCES [24 CFR §882.212/882.515]**

1.      Annual Re-examination

Re-examination of a family's income and composition shall be made at least annually. If at the time of admission or re-examination, a family's income cannot be reasonably determined for the upcoming 12 month period, the Housing Agency shall require the family to comply with its 30, 60 or 90 day re-exam schedule.

2. Re-determination of Total Tenant Payments and Housing Assistance Payment

The Housing Agency shall make an appropriate re-determination on the amount of Total Tenant Payment and amount of the Housing Assistance Payment. Written Notice of Tenant's Rent and HAP will be provided to both the owner and tenant with a copy to the tenant's file.

3. Termination of Payments

Termination of Housing Assistance Payments due to a determination of family's ineligibility shall be in accordance with applicable HUD guidelines.

4. Changes in Family Size and Composition

Changes in family composition that result in a change in *family unit size* (i.e., "*voucher size*") will result in issuance of voucher with a different unit size only at the time the family moves, or at the time of the regularly scheduled annual reexamination of family circumstances.

5. Disclosures and Verification of Social Security Number

At re-examination, the family shall be required to disclose and verify Social Security Numbers for any family member age 6+ who has been assigned a social security number since the last certification or re-certification, as outlined in 24 CFR 5, as amended.

6. Evidence of Eligibility for Assistance Based on Citizen or Eligible Alien Status

Each family member, regardless of age, must submit a declaration of status as a U.S. citizen or a U.S. national or evidence of *eligible immigration status*, as defined at Section 214 of the U.S. Housing Act of 1980, and as amended in the Immigration Reform Act of 1996.

For citizens or nationals, all that must be submitted is a signed declaration of citizenship. Non-citizens age 62 and older, as of 6/19/95, must submit a signed declaration of eligible immigration status and proof of age. Other non-citizens must submit a signed declaration of eligible immigration status, proper documentation, and a signed verification form. Adults must sign their own forms. An adult residing in the assisted housing unit who is responsible for the child must sign applicable forms for children. [24 CFR §5]

The Housing Agency will conduct verification of eligible immigration status when other aspects of eligibility for assistance are being verified. The primary method of verification will be the use of the computerized verification system administered by the U.S. Immigration and Naturalization

Service (INS). [24 CFR §5]

Housing assistance may be denied or terminated to an applicant or recipient in accordance with 24 CFR §5). An applicant household will have their assistance delayed or denied until at least one continuing family member has established eligibility as a U.S. citizen, U.S. national or an eligible immigrant. If all other factors of eligibility have been confirmed the family may be granted a 30 day extension to comply with the Section 214 provision, as amended. If the family fails to comply within this 30 day period the family will be determined ineligible for housing assistance and their HAP will be terminated.

Section 214 Compliance is a one-time requirement for each family member and is only implemented at re-exam for new family members.

Denial or termination of assistance to an applicant or participant's family can be appealed to the Housing Agency consistent with Section Y and with the INS in accordance with 24 CFR 5 subpart F.

#### **PU-§1.00      Income Determinations**

The gross annual income of the family is used to determine income eligibility and Total Tenant Payment, including sources of income as described at 24 CFR §5, and as periodically revised by HUD.

##### **1.      Income of Minors (Family members age 17 and younger)**

Only certain sources of income to a minor will be included when determining the family's gross annual income. Such income includes benefit income of a minor such as social security, TANF, or any unearned income of a minor (including interest on a savings account). None of the earned/wage income of a minor will be included.

##### **2.      Income of Full Time Students**

The Housing Agency will only include the first \$480 of earned income of a full-time student age 18 and older.

If the student receives grant or scholarship income the Housing Agency will not include any of the educational benefit income in calculation of annual income. In no case will the Municipality of Villalba Housing Agency include student loans as income to the household no matter how the loan will be expended.

##### **3.      Income of Temporarily Absent Family Members**

Family composition is a self-certification by the head/co-head of household. It is the policy of the Housing Agency to include:

- a. Income of all persons expected to reside in the unit in the upcoming 12 month period.
- b. If one or more family members will be absent from the unit for any portion of the 12 month period covered by the certification they will be considered a temporarily absent family member.
- c. The absent family member's income will be included for the full 12 month period even if the income will not be available to the household for the period of time they expect to be absent.
- d. If the absent family member is the head or spouse their full income will be included as income to the household even if they are not expected to occupy the unit or to be listed on the lease.
- e. If the head or spouse is permanently absent from the household the Housing Representative may require verification.
- f. Acceptable forms of independent verification will include:
  - Legal separation papers
  - Divorce decree
  - Evidence of institutionalization; and
  - Document from Department of Human Services identifying current household members.

Dependent upon the circumstances the Housing Agency may consider other forms of verification that the family member is no longer a "member of the family".

In the absence of acceptable verification, the Housing Agency will continue to include the income of the absent family member as if they were only "temporarily absent".

#### 4. Income of a Confined Family Member

If a family member has been permanently confined to a hospital or nursing home the Housing Agency will not include the income of this family member as income to the household, nor will the Housing Agency compute allowances/deductions for a permanently confined household member.

When the confined family member's income is excluded, the confined family member must not be listed on the assisted lease agreement between the owner and tenant family. The permanently absent family member's name can be removed from the existing lease. No new lease is required.

#### Regular Recurring Cash Contributions or Gifts

The Housing Agency will include as income only those cash contributions that the family expects to receive on a regular recurring basis. Staff may use credit reports to determine the potential for such recurring gifts, in addition to signed statements by donors or affidavits by the recipient. If an adult family member "barter" their labor for goods rather than monetary compensation the Municipality of Villalba Housing Agency may establish a cash value for the personal service and use it as income to the household.

Non-cash gifts such, as groceries will not be included.

5. Net Income From a Business (or Profession) or From Rental of Real or Personal Property

The net income from a business or from rental of real or personal property will be included as income to the household.

Section 8 Staff will calculate the net income from a business by deducting from the projected gross income the following expenses: straight-line depreciation, the interest portion of loan payments, and all other expenses of the business which are routine expenses of the business, and not related to business expansion or capital improvements.

If there is evidence that the family withdraws cash or assets from the business these withdrawals will be included as income to the household unless there is verification that the withdrawal is specifically for reimbursement of amounts the family invested in the business.

Verification of business expenses to be deducted from the gross income of the business will be in keeping with requirements stated at Exhibit (Statement of Acceptable forms of verification).

Adult family members engaged in the operation of a business or profession will be subject to a 90 day re-exam schedule, as deemed appropriate by staff, for purposes of documenting current income. Section 8 staff may require such adults to maintain reports/records of current income (gross receipts) and expenses for the period between the performances of the interim re-exam.

6. Lump-sum Payments to be counted as Income

The Housing Agency will include only two types of lump-sum payments as income to the household. All other lump sum payments will be treated as an asset. The two types of lump sum payments to be included as income are:

- a. Lump-sum payments for either a delayed start of a periodic payment (such as delayed payment of unemployment benefits); or
- b. Lump sum payments for settlement of a disputed claim of what would have been a periodic payment (such as a lump sum payment of back child support).

Where such lump sum payments are received, the Housing Agency will require repayment on a prospective basis rather than a retroactive basis.



This method will result in an increased TTP over 12-18 month period and allows for the gradual repayment of the monies owed for the period of time that Housing Agency "carried" the family while they were awaiting the benefit payments.

In the event the family receives a lump-sum payment that includes payment for a period of time that the family was not receiving housing assistance the Housing Agency will not include that portion of the lump sum payment in its prospective calculation in the amounts to be repaid.

#### 8. Policy Governing Alimony and Child Support

A court-ordered decree will serve as third party verification of the amount of alimony and child support income expected to be received by the family. No other form of verification is required unless the family asserts that they are receiving an amount that differs from the decree. In this instance the Housing Representative must verify the amount which is actually being received; and the family has made all reasonable effort to collect the full amount due, including evidence of filing with courts or agencies responsible for enforcement of the payments due.

If the family is using the services of Legal Aid and there is documentation that the family has made an appointment for the express purpose of pursuing back payments the Municipality of Villalba Housing Agency will consider this as an appropriate measure for taking "legal" action. Evidence of filing for enforcement of the child support order with the local Child Support Enforcement Agency (CSEA) it is also considered an appropriate form of action under this rule.

When third party verification cannot be obtained which counters the decree the amount in the decree will be considered as income to the household.

#### 9. Treatment of Military Pay

The military pay of the head of household or spouse, including allowances with the exception of combat/hazardous duty pay, will be included as income to the household, even if the head/co-head or spouse is not listed on the lease.

- a. If the absent head/co-head has income from outside jobs or income from assets these income sources will not be counted as income to the family.
- b. If the family receives an allotment from an adult child in the military on a regular recurring basis only the amount of the allotment will be included as income and not the full military pay.
- c. In instances where the adult child in the military is listed on the lease they will be treated, as a "temporarily absent family member" and the full amount of pay, including all regular allowances, will be counted as income to the household.
- d. Verification of the military pay and regular allowances will be solicited first from the unit commander on a form developed by the Housing Agency unless the

military requires a different form for verification purposes, in which case the military's form will be used.

If Section 8 staff is unable to receive third party verification (written preferred) a review of documents will be undertaken. The Section 8 staff will document the family file as to why they were unable to receive third party verification. The spouse/co-head must cooperate by providing Section 8 staff with required information such as:

- Unit identification/address,
- Rank
- Serial/social security number

Failure to cooperate will result in a denial of admission or termination of assistance for a participating family.

#### 10. Procedure for Projecting Unstable Income

Where a family member has sporadic, yet recurring income such as a business owner or temporary clerical work (i.e., "Kelly-Girl") the Section 8 staff will include projected income based upon current income and expenses:

- a. Place family on a 90-day re-exam cycle;
- b. Require family to bring income information for the 12-week period preceding the date of certification;
- c. Calculate average weekly or monthly income and use this as a base line figure to project income for the upcoming 12-month period.
- d. Combine the income from this period with the income from the prior period to establish a new baseline weekly or monthly figure;
- e. Recalculate the TTP and determine need for additional interim re-exams.

#### **PU-§1.02 Asset Determinations**

Income from assets is to be included as income to the household. Asset income to be included can include either actual or *imputed* income from assets depending upon the total value of assets effectively owned by the family. Accordingly, the Housing Representative shall establish the cash value of assets held by the family.

Assets to be considered will include the following:

- Amounts in savings and checking accounts;
- Stocks, bonds, savings certificates, moneymaker funds and other investment accounts;

- Equity in real property or other capital investments
- Cash value of trusts that are available to the household;
- IRA, Keogh and similar retirement savings accounts;
- Contributions to company retirement/pension fund;
- Assets, which although owned by more than one person, allow unrestricted access by the applicant;
- Lump-sum receipts such as inheritances, capital gains, lottery winnings, cash from sale of assets, insurance settlements, Social Security and SSI lump-sum payments and other claims;
- Personal property held as an investment such as gems, jewelry, coin collections, antiques cars, etc.;
- Cash value of life insurance policies;
- Assets disposed of for less than fair market value during the two years preceding examination or re-examination.

Where there is a dispute over the "effective ownership" of an asset, the Section 8 staff will determine ownership based upon (a) who reports the asset to IRS for tax liability purposes; and (b) who receives the income from the asset as reported to the IRS.

Where the percentage of ownership is legally defined only that portion/percentage of the cash value of the asset will be included in the calculation of net family assets.

The value of necessary personal property maintained for personal use will not be included in the calculation of net family assets, including but limited to items such as clothing, furniture, jewelry, automobiles, stereo/TV equipment, etc..

If the family, however, maintains personal property for money-making purposes (i.e., investment purposes) the value of such items will be included in the calculation of net family assets. If there is a question/dispute over whether or not personal property is to be included as an asset the definition/ test will be as follows:

- *Necessary personal property is not expected to increase in value; and*
- *Necessary personal property is usually "used" by the owner.*

This would include *rental property for investment purposes* as an asset to the household. In this instance, the cash value of the rental property and the *net rental income* will be included as a source of income to the household. If the property is part of an active business, as would be the case of a person where real estate is their main occupation, then the property will be treated as Assets of the business and not as a family asset.

The Section 8 staff will include both current and actual assets the family now holds as well as

assets the family has disposed of for less than fair market value (i.e., imputed assets) in the two-year period preceding the date of certification or re-certification.

It is the policy of this Housing Agency to exclude the imputed assets when calculating the net family assets in two instances. First, where the asset(s) were disposed of for less than fair market value as the result of a legal proceeding/judgment or, second, when the value of the asset at the time of disposal was less than \$1,000.00.

#### **PU-§1.03      Determining Adjusted Annual Income**

Adjusted annual income is defined as *gross annual income less allowable deductions from income*.

Congress has established the deductions and allowable expenses to be deducted from the gross annual income. Currently, the Housing Agency is implementing the following deductions from income as applicable to each family's individual circumstances:

- \$480 dependent deduction
- \$400 elderly/disabled household deduction

Neither of these deductions from income requires third party verification. Eligibility for the *dependent* and *elderly household* deduction is achieved through a Section 8 staff evaluation of the family's circumstances and prevailing HUD instructions/definitions.

*Allowable expenses*, which can be deducted from gross annual income, must be third party verified and include:

- Reasonable childcare expense
- Allowable handicapped assistance expense; and
- Allowable medical expense

#### **PU-§1.04      Housing Agency Child Care Policy**

1.        Consistent with current HUD instructions at 24 CFR 5 and handbook 4350.3 CHG-1, the PHA will deduct reasonable childcare expense when all of the following is true (and verifiable):
2.        Expense enables a family member to go to work, to school or to look for a job after recently losing a job; (up to 20 hours weekly with documentation acceptable to the Municipality of Villalba Housing Agency).
3.        In instances where the childcare is necessary to allow an adult family member to seek employment, the agency will allow up to 20 hours of weekly child care expense. The family must provide documentation to support both their efforts to gain employment, and the related childcare expense. Staff may use receipts or similar forms of verification that

are dated for the period of eight weeks preceding the certification.

4. "School" is either academic or vocational and the course of study will result in a degree/diploma or a certificate;
5. Enrollment in school is either full- or part-time in accordance with that institution's definition;
6. Expense is for the care of children in the assisted household who are age 12 or younger (including the cost of care for a foster child age 12 and younger which is not paid/reimbursed);
7. Childcare expenses cannot be paid to a family member residing in the assisted unit nor paid (or reimbursed) by an organization or individual outside of the unit;
8. Expense is reasonable in terms of cost and relationship to eligible activity (as stated in [a] above).
9. Any expense associated with the keeping of children to allow a family member to go to work does not exceed the earnings of the individual who is enabled to work.
10. No adult is available or capable of providing the childcare during the hours required.
11. Childcare expenses (not to exceed \$600.00 annually) to unable a family member to seek employment.

#### Procedures for Establishing Reasonable Costs of Child Care

To determine if the cost of the childcare is reasonable the Housing Agency will conduct a survey of childcare providers at least annually. This survey will include both "in-home" providers as well as institutional providers (e.g., Kinder Care Center). Section 8 staff will be provided a schedule of "reasonable" charges and the maximum cost to be deducted will be established in light of the survey results.

If the family incurs expense in excess of the stated amounts on the Housing Agency's schedule the survey amount will become the maximum allowable expense to be deducted unless there are extenuating circumstances. In such cases the approval to exceed the scheduled amounts must be approved by the supervisor of Housing Representatives on a case-by-case basis.

#### **PU-§1.05      Income Verification Requirements**

The Housing Representative will request only that information which is necessary to determine the family's eligibility or level of assistance. For some types of income listed in Appendix 1 of this plan, appropriate requests for information are combined with the types of verification that are permitted.

In deciding whether to add information to a particular verification request that is not listed below, the Housing Representative must ask:

- *Is this information necessary to determine the individual's eligibility for assistance or level of assistance?* If the answer is *yes*, then the Housing Representative may verify that information.
- If the answer is *no*, then the Housing Representative may not verify that information.

## **W. INSPECTIONS OF DWELLING UNIT [24 CFR '982.401]**

### **1. Initial Inspection of Unit**

Before approving any Lease Agreement, the Authority shall inspect the unit for compliance with the HUD Housing Quality Standards, as amended by local code, where applicable. Any such amendments to the HQS will board adopted.

- a. If there are any deficiencies that must be corrected, the Housing Agency shall notify the Owner and tenant of the corrections required. The Housing Agency shall re-inspect the unit to insure that all deficiencies are corrected prior to approving a Lease or HAP Contract.
- b. The Authority shall prepare and maintain reports on initial inspections and any required re-inspections. The inspection report shall specify (i) any deficiencies that must be corrected; and (ii) any other deficiencies (comments), as a factor in determining the *reasonableness* of the rent to owner.

### **2. On-going Inspections to Determine If Unit meets HQS**

The Housing Agency shall inspect or cause to be inspected each unit at least annually, and at such other times as may be necessary, to assure that the owner and tenant family is maintaining the unit to meet the HQS and providing the agreed upon utilities and other services.

### **3. Applicability of the HQS Occupancy/Space Standard**

*The HQS Occupancy Standard* shall be used as *acceptability criteria* for space and security requirements. The *family unit size* on the assigned housing choice voucher shall be established in accordance with the following general criteria:

- a. Parents are not required to share a bedroom with a child (regardless of age)
- b. Children of the same sex are expected to share a bedroom (regardless of age)
- c. Two children of the opposite sex, ages 6 or younger are expected to share a bedroom
- d. Two children of the opposite sex over the age of 6 are not expected to share a

bedroom

- e. Adults of different generations (e.g., grandmother, mother, daughter) will be assumed to have separate bedrooms
- f. An unrelated adult, such as a live-in aide, is not expected to share a bedroom with a family member
- g. Elderly or disabled household members (related or unrelated) will be considered for separate bedrooms; and
- h. Spouses or persons operating in a *spousal type* relationship are expected to share a bedroom.

Exceptions to the above criteria will be made, when necessary, for persons with disabilities as a *reasonable accommodation* under law. For example, a husband and wife could be assigned a two bedroom voucher if there are documented disabilities/medical conditions that necessitate separate bedrooms.

Similarly, a family may actually select a unit smaller than the designated *family unit size* as long as the unit selection will not result in more than two persons sharing a *sleeping room* (as defined by HUD regulations).

The Housing Agency shall not charge the family or the owner for any inspection performed. (24 CFR §982.405.)

#### 4. Determination that Unit does not meet HQS

The owner is generally responsible for maintaining a unit in accordance with the HQS, and failure to carry out this responsibility can result in Housing Agency enforcement action.

When a unit does not meet the HQS and the Owner or tenant fails to take corrective action after being duly notified, the Housing Agency may exercise any of its rights, including abatement of HAP (even if the family continues in occupancy), reduction of HAP and/or termination of the Contract. The Housing Agency cannot make HAP for a dwelling unit that fails to meet the HQS unless the owner corrects the defect(s) within the time period specified by the Housing Agency.

Life threatening defects must be corrected within no more than 24 hours, and other defects must be corrected within no more than 30 days or any Housing Agency-approved extension.

*Life threatening defects* are defined to include, but not necessarily limited to:

- Electrical hazards (e.g., *exposed wiring*, “*shorting*”, *open/non-functioning junction boxes*, *improper wiring*, etc.);

- Broken/missing smoke detectors
- Severe tripping hazards (e.g., *missing floorboards, severely broken/missing steps in rooms used for living, etc.*)
- Severe water leaks (i.e., freely running water that poses a threat to life or property)
- Noxious gases/odors
- Blocked fire exits
- Sharp edges (e.g., broken protruding glass)
- Improperly stored flammable liquids (e.g., gasoline, kerosene, etc.)
- Health hazards as defined by local/county code

#### 5. Family Obligation to Comply with the HQS

The family is responsible for any HQS breach caused by its failure to maintain tenant paid utilities, by its failure to maintain tenant-supplied appliances, or damage to the unit by a family member or guest over and above ordinary wear and tear. The family, like the owner, must correct any life-threatening defect for which it is responsible within no more than 24 hours and any other defect within 30 days or any Housing Agency-approved extension.

The Housing Agency may terminate Section 8 rental assistance for a family that causes an HQS breach. [24 CFR §982.404]

#### 6. Housing Agency and Owner Obligations for Units with *Lead-Based Paint*

Prior to execution of the HAP contract the owner must inform the Housing Agency and the family of any knowledge the owner has of the presence of lead-based paint on the surfaces of the residential unit. [24 CFR §982.401]

The Municipality of Villalba Housing Agency will inspect units constructed before January 1, 1978, **expected to be occupied by children under the age of six** to determine if there is deteriorated paint. All deteriorated paint will be made intact before the Municipality of Villalba Housing Agency will enter into a HAP contract. If the unit will be occupied by a child with an *elevated intervention blood lead level*, the Municipality of Villalba Housing Agency will perform an inspection of the unit to determine whether there is lead-based paint on chewable surfaces or any deteriorated lead-based paint. Chewable surfaces include all painted chewable surfaces in the unit within reach of a six-year-old child (i.e., painted surfaces up to five feet from the floor).

The Municipality of Villalba Housing Agency will pay for the lead-based paint testing of unit constructed before January 1, 1978 that will be occupied by children under the age of six if the local or state health agencies are unwilling or unable to do so.

A clearance test will be performed by the Municipality of Villalba Housing Agency for initial and annual units when the amount of deteriorated paint exceeds the *de minimis* levels specified in



the regulations of no more than 20 square feet collectively on exterior surfaces or no more than two square feet in any one interior space or room, or no more than 10 percent of the total surface area on an interior or exterior type of component with a small surface area such as window sills, baseboards, and trim. The Municipality of Villalba Housing Agency will ensure that the owner is responsible for:

- a. Payment of subsequent clearance test where the initial clearance test failed the unit, and
- b. Submittal of the results of the subsequent clearance tests to the Municipality of Villalba Housing Agency and the family.

Pursuant to §982.401(j)(3) the Municipality of Villalba Housing Agency will undertake a visual inspection for defective paint surfaces, on which paint is cracking, scaling, chipping, peeling or loose, in all pre-1978 units that will be occupied by families with children under the age of six. If defective paint surfaces are found, the unit may not be approved unless surfaces have been treated in accordance with §982.4401(j)(6).

When inspecting a dwelling unit (both initial and annual inspections) that was constructed before January 1, 1978, and that will be occupied by a family with a child under the age of six with an identified EBL condition, the Housing Agency will include:

- a. Visual inspection for deteriorated paint;
- b. A test for lead-based paint on chewable surfaces; and
- c. Any other tests required by local or State laws.

The Municipality of Villalba Housing Agency will also inspect and, if applicable, have the owner treat exterior chewable surfaces within five feet from the ground.

The PHA will conduct a risk assessment of the unit in which the child, under age of six with an environmental intervention blood-lead level (EIBLL) lived at the time the blood was last sampled, unless an evaluation has already been conducted by the public health department. Risk assessments will be conducted within 15 days of being notified by the public health department or other medical health providers that a EIBLL child under age of six resides at a unit assisted by a housing choice voucher pursuant to 24 CFR §35.1350(d).

Clearance inspections will be performed within 24 hours of the owner's notification that repairs have been completed. For initial units, if the unit fails a second time the Municipality of Villalba Housing Agency shall notify the owner that the family may not lease the unit with assistance under the housing choice voucher program, unless final clearance is achieved. If the unit is under a HAP contract, the Municipality of Villalba Housing Agency will notify the owner that the Housing Agency will abate payments and that the HAP contract will be terminated once the family is relocated.

## 7. PHA Data Collection and Record keeping

The owner and the Housing Agency must comply with all requirements of the final rule on Lead-based Paint published, effective September 15, 2000.

The Housing Agency will attempt to collect annually from local health agencies the names of children with an *elevated blood level (EBL)* and will annually attempt to match this information with the names and addresses of assisted families. If a match occurs, the Housing Agency must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead based paint the Housing Agency will require the owner to treat the lead based paint in accordance with 24 CFR 982.401. If the owner does not take the required corrective action in the time prescribed, the Housing Agency will issue the affected family a voucher to move.

The Housing Agency will keep a copy of each unit's inspection report for at least three years. If a dwelling unit requires testing for lead-based paint, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the Housing Agency will maintain the unit inspection reports indefinitely and, if applicable, the owner's certification of treatment.

The Municipality of Villalba Housing Agency will document that it requested from local and State health departments the address of families with RBL children assisted with housing choice vouchers in the tenant-based assistance programs.

## 8. Applicability of Local Code to Health and Safety

Section 8 Representatives will use local code requirements for existing housing in determining the appropriate corrective action to be taken by an owner for any defects related to the health and/or safety of the occupants.

## 9. Conduct of Quality Control (QC) Inspections

The Section 8 program supervisor will re-inspect at least 5 units initially inspected by the Section 8 Housing Representatives.

The QC inspections will be performed throughout the year, and a record of all such QC inspections will be maintained in a separate file, as SEMAP Documentation.

The QC sampling will include units that initially passed and failed HQS to assure:

- Consistency between Representatives
- Uniform application for HQS

## **PV-\$1.00      Overview**

The Municipality of Villalba Housing Agency adheres to the acceptability criteria as found in 24 CFR 982.403 and the HUD Inspection Booklet (governing the Section 8 Housing Quality Inspection Standards. HUD's Housing Quality Standards are applicable to all housing assisted under any form of HAP contract.

#### **PV-§1.01      *New/Move Unit Inspection Procedures***

The Housing Agency shall conduct unit inspections before lease approval and execution of a HAP Contract to ensure the unit is in compliance with the HQS or HUD-approved variations for the Municipality of Villalba Housing Agency's Section 8 program.

Once a Voucher- Holder and prospective owner have requested lease approval for a specific unit, the Housing Agency is responsible for the following:

1. The Housing Inspector shall make every reasonable effort to schedule a unit inspection on the date the owner indicates the unit will be ready for inspection within seven days of receiving RFTA, or as soon thereafter as possible. Lengthy delays of inspections will be avoided since delays can cause owners and families to lose interest in program participation.
2. The Housing Inspector shall conduct a thorough inspection of the unit to determine compliance with all HQS *Performance Requirements and Acceptability Criteria* prior to lease approval.
3. *Marginal units* (i.e., those that are likely to fall below the HQS within a year) will not be approved.
4. The Housing Inspector will inspect the unit using the long or short version of Form HUD-52580, as instructed by the supervisor of inspections.
  - If the unit fail its initial inspection the owner will be given ten (10) calendar days in which to make the required repairs.
  - If the unit fails the re-inspection and the owner cannot show "good cause" for failure to comply, the unit shall not be eligible for re-inspection under the same RFTA. Family shall be advised to search for another unit and to submit another RFTA before the expiration date of the voucher.

All determinations resulting from each inspector's on-site inspection will be adequately documented in the participant file.

#### **PV-§1.02      *Additional Duties of the Inspector***

Prior to or during the inspection, the Housing Inspector (Representative) shall obtain the

following information to assist the Housing Representative in making additional determinations which are required by the program:

1. The actual number of bedrooms (excluding living/sleeping rooms) contained within the unit to insure that the proper FMR limitations are used and that the owner's statements on the *Request for Tenancy Approval* regarding unit size are factual (applicable to the voucher program).

For example, an owner may have considered the unit to be a three bedroom unit, but the Housing Agency may find that only two of the bedrooms meet the applicable HQS criteria (e.g., a window, two electrical outlets or one outlet and one permanently installed light fixture).

Unless the owner is willing and able to bring the third bedroom into compliance, the unit must be considered a two-bedroom unit for rent reasonableness, and for determining whether the unit meets the HQS space and security criteria.

2. Information with respect to the unit's age, quality, amenities, location, contract and gross rents, unit type, and square footage of living space, which is necessary to determine whether the requested rent to owner is reasonable.

The Housing Agency's Representatives will assist in collecting and validating the information given as they have first hand knowledge of the units and the rental marketplace.

### **PV-§1.03      Annual Inspection Procedures**

The Housing Agency is required to inspect each dwelling unit at least annually to determine if the owner and tenant family is maintaining the unit in a decent, safe, and sanitary condition.

1. The Housing Agency shall conduct its annual inspection(s) within one year of the date of the previous inspection. The annual re-inspection will usually coincide with the anniversary date of the contract. In some limited circumstances the Section 8 Office may conduct the re-inspection and the family re-examination at different points in time, but both activities will occur within 12 months of the initial activity.
2. The Housing Agency will also promptly conduct inspections as part of the re-exam process to ensure that any deficiencies are corrected as of the anniversary date.
3. The same procedures and forms as used for initial inspections shall be used for annual inspections.
4. At re-exam, the inspector shall use the inspection form to document improvements that may have been made to the unit since the last inspection to determine whether

information pertaining to rent reasonableness should be updated. This documentation for Housing Agency files is especially important if the owner is requesting an annual adjustment in the contract rent on the basis of such actions.

5. The Housing Agency shall also cite recommended improvements to encourage upgrading of units above the HQS on the annual inspection form. Such improvements may be in the owner's best interest since this may justify a higher comparable rent.

#### **PV-§1.04 Special Unit Inspections**

There may be circumstances other than the initial and annual inspections which require the Housing Agency to determine a unit's compliance with the HQS criteria, as follows:

- Written or oral complaints/requests from participating families, owners, or other sources regarding the unit's condition or lack of maintenance and services by the responsible parties; or
- Owner requests to determine if a unit (s) qualifies for potential participation, such preliminary inspections may not be considered as substitutions for required initial inspections that may result from the submission of a Request of Lease Approval.

#### **PV-§1.05 Required Actions After Completed Inspections**

##### **1. Initial Inspections**

The following requirements apply to results of inspections performed in connection with an initial RFTA Tenancy. If the inspector has questions about the adequacy of certain items, these issues will be discussed with the family.

- a. If the Housing Agency's inspection reveals that the unit meets the applicable HQS criteria, the Housing Agency may proceed with the other necessary determinations, such as rent reasonableness, preparation of HAP Contract and approval of lease, etc. The Section 8 Housing Representative shall notify the owner and family of the inspection results and may send the family a copy of the completed form.
- b. If the Section 8 Inspection reveals HQS violations, the Housing Agency shall notify the owner and the family that the unit may not be leased under the program until all deficiencies is corrected. A written list of the deficiencies will be forwarded to both the owner and the family with a prescribed time period for corrective action (10 ten calendar days unless there are extenuating circumstances).
- c. At the time of re-inspection of the failed unit the Section 8 Inspector will re-

inspect all those items that were cited in the original deficiency notice. Should the unit pass the re-inspection the Section 8 Inspector will document the file accordingly and promptly notify the Housing Representative of the need to precede with the other required lease-up activities. Should the unit fail the re-inspection the owner and family will both be notified that the unit will not be re-inspected under the initial RFTA and that the family is to continue their search.

- d. Neither the family nor the owner is entitled to an informal review of the decision to fail the unit for non-compliance with the HQS.

## 2. Annual Inspections

If the occupied unit fails HQS; or is otherwise not in compliance with any other provisions of the HAP Contract, the Section 8 Inspector will immediately notify the owner of the deficiencies, in writing. It is not the responsibility of the Section 8 Housing Inspector to prepare detailed repair specifications. The notice will describe the deficiencies which are in violation of the HQS and require that the conditions be corrected within a time period specified by the Section 8 Inspector to be determined by the Housing Agency as follows:

- a. If there are serious deficiencies that present an immediate danger to the health and safety of the family, (e.g., exhaust fumes from heating system) the Housing Agency requires the owner or tenant (to be determined by the Inspector) abate the hazardous condition within not more than 24 hours. If the owner/tenant does not take the required actions within the 24-hour time period, assistance payments will be abated until such time as the owner/tenant corrects the deficiencies.

In the event the "emergency" repairs are not completed within a maximum of 72 hours (or less if so prescribed by the Housing Agency) the contract will be terminated.

If the repairs to be made by the owner/tenant are made within the prescribed time frame the HAP will resume as of the date the deficiencies are fully corrected. The Housing Agency will not make payments for the period the unit was not in compliance and the owner/tenant had been notified, in writing, of the start of the abatement period.

- b. If there are other deficiencies that do not affect the health and safety of the occupants, a determination of whether the owner or the tenant's family must make the repairs will be made. In either case, the owner or tenant must correct the items within 30 days or less.

The time period for corrective action will be specified in the Housing Agency's notice to the owner, and such time frame will be dependent upon the type, nature, extent of the repairs to be made.

- c. If the owner or tenant does not take the required corrective action within the specified time period, the Housing Agency will determine if an extension of time is warranted depending upon the nature of the required work and any extenuating circumstances.

If an extension is not granted, the Housing Agency will either abate the housing assistance payments or terminate the HAP Contract.

- d. If the HAP Contract is terminated, the Housing Agency will determine whether to reissue the family's voucher. If the unit deficiencies, which resulted in the termination of HAP were tenant caused the family may be terminated from the program.

If the owner fails to make any owner-required repairs and the owner has a history of HQS non-compliance the owner may be barred from future/continued program participation.

- e. During the period when payments have been abated, the Housing Agency will apprise the tenant of its responsibility to pay its share of rent to the owner and will advise the owner that abatement of the HAP is not grounds for termination or other adverse action against the family.
- f. Section 8 Housing Representatives will re-inspect the unit to ensure that all HQS deficiencies have been corrected (a) as of the date of the scheduled inspection, and (b) prior to approval of any annual or special rent adjustment.

### 3. Special Complaint Unit Inspections

If problems similar to those discussed in the preceding sections are disclosed during a special unit inspection (e.g., performed as a result of a complaint from the family, owner, or other source), the same steps shall be taken by the Housing Agency, as outlined in the sections above, as appropriate.

If an annual or special inspection reveals that a unit or building has serious or life-threatening deficiencies, the Housing Agency will re-inspect other units in the building leased to Section 8 assisted families, even though annual inspections of these units are not yet required.

### 4. Inspections Which Reveal Tenant Non-compliance

If an annual or special inspection reveals that a unit is no longer in a decent, safe, and sanitary condition according to the applicable HQS criteria because of the tenant's lack of maintenance, the tenant is responsible for taking appropriate action to correct deficiencies. In addition to notifying the tenant, in writing, of any deficiencies and corrective action required, the Section 8

Housing Representative shall also advise of the possible consequences of non-compliance. If the owner or Housing Agency is unable to get compliance from the family, the Housing Representative shall either abate the HAP payments or terminate the HAP Contract and the family's housing voucher. If the family remains in occupancy the family will become responsible for the full payment of the rent and the *assisted lease agreement* shall automatically terminate.

#### **PV-§1.06 Termination of Payments and Contracts**

If the Housing Agency finds the owner or tenant in continued non-compliance with the HQS both parties will be sent advance written notice of abatement of HAP and/or termination of the HAP contract.

When it has been determined that a unit fails to meet the HQS and the owner/tenant has failed to correct the failed items within the prescribed time frame, the housing assistance payment for the unit will be abated.

The abatement will continue until all failed items have been corrected or for 30 days from the date of abatement, whichever is the earlier.

The Housing Agency will re-inspect the abated units as soon as possible after the date of the owner's contact with the Housing Agency to report the completed work.

The abatement will end if it is confirmed at the re-inspection that all required repairs have been satisfactorily accomplished. Owner or tenant's failure to make required repairs during the abatement period will result in the issuance of the 30-day notice of termination.

While the termination notice is running the abatement will remain in effect. Once the HAP Contract is terminated it will not be reinstated for the same family, at the same unit.

The participating family will be reissued a Voucher to allow for a move with continued assistance if the HQS non-compliance was solely related to the owner's failure to act.

If the repairs are completed before the effective date of the termination, the termination notice can be rescinded if the tenant chooses to stay in the unit.

#### **X. GROUND FOR DENIAL OR TERMINATION OF ASSISTANCE**

The Housing Agency may deny assistance to an applicant or terminate assistance for a participant family because of the family's action or failure to act. Grounds for denial or termination of assistance may include violation of obligations under the program, prior eviction from public housing or prior termination of voucher assistance, a debt to the Housing Agency or another



Housing Agency in connection with the Section 8 or public housing program, and drug related or violent criminal activity. [24 CFR §982.552-553]. *The Housing Agency will terminate HAP Contracts as stipulated in 24 CFR 982.454, in the event that there are insufficient funding levels from HUD. The Housing Agency will notify in writing the landlord and participant on the date of effectiveness of termination. Once the Housing Agency regains sufficient levels of funding the Agency will re-instate participants if their circumstances have not changed.*

*A. If denial or termination is based upon behavior resulting from a disability, PHA will delay the denial or termination in order to determine if there is an accommodation that would mitigate the behavior resulting from the disability.*

*The PHA will deny assistance to applicants and terminates assistance for participants if:*

- *Any member of the family fails to sign and submit to HUD or PHA required consent forms to obtaining information.*
- *No member of the family is a U.S. citizen or eligible immigrant.*
- *The family is under contract, and 180 days have elapsed since PHA's last housing assistance payment was made.*
- *The family is evicted from housing assisted under the program for serious violation of the lease.*
- *The family was evicted from public housing for use, sale or manufacture of illegal drugs or violent criminal activities within the past five (5) year (see detailed description below).*
- *Any member of the household has been convicted of a felony within the previous five (5) years, is in probation or satisfied the terms of probation less than 12 months ago, or has repetitively been convicted of crimes.*
- *Any member of the family manufacturing or producing methamphetamine on the premises of the assisted dwelling and any convictions for the manufacturing or producing of methamphetamine.*
- *Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants and/ or persons residing in the immediate vicinity of the premises.*
- *Any violent criminal activity on or off the premises.*
- *Drug-related criminal activities on or off the premises. "Drug-related criminal activities" shall mean the illegal manufacture, sale, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance as defined in section 102 of the Controlled Substance Act 21 U.S.C. &802.*
- *Alcohol abuse ( or pattern of abuse) that may interfere with the health, safety or right to peaceful enjoyment of other tenants.*
- *Any member of household is registered under the state Sex Offender/Predator registration Program. Fugitive felon or felon parole violator.*

*If PHA determines that the tenant, any member of the tenant's household, or any guest or other person under the tenant's control has engaged in the aforementioned*

*activity, regardless of whether the person has been arrested or convicted for such activity, tenancy will be terminated and/or eviction action taken.*

*B. PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:*

- The family violates any family obligation under the program as listed in 24 CFR 982.551. Any member of the family has ever been convicted from public housing in the past five (5) years.*
- The family currently owes rent or other amounts to PHA or to another PHA in connection with section 8 or public housing assistance.*
- The family has not reimbursed the PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family.*
- The family breaches an agreement with PHA to pay amounts owed to PHA, or amounts owed to an owner.*
- The family has engaged in or threatened abusive or violent behavior toward PHA personnel.*

*“Abusive or violent behavior towards PHA personnel” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other languages, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.*

*“Threatening” refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.*

PHA may also deny the request of a participating family to add a household member if that person is found to be ineligible for assistance after a review against the above criteria.

C. In deciding whether to deny or terminate assistance for any of the reasons listed above, PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the length of time since the violation occurred. It may also review the family’s more recent record of compliance and consider the effects of denial or termination of assistance on the family members who were not involved in the action or failure to act.

PHA may impose, as a condition of continued assistance for other family member, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. PHA may permit the other members of a family to continue in the program.

## **Y. DRUG OR VIOLENT CRIMINAL ACTIVITIES**

The Housing Agency has a Policy of Zero Tolerance for “*Drug Related or Violent Criminal Activity*”. If the tenant, any member of the tenant's household, any guest or other person under the tenant's control engages in (a) any Criminal Activity that threatens the health, safety, or right of the peaceable enjoyment of their resident by persons residing in or near the participants resident. Drug related Criminal Activity means the illegal manufacture, sale, distribution, use or

possession with intent to manufacture, sell, distribute, or use of controlled substance as defined in sec. 102 of the Controlled Substance Act (21 U.S.C. §802). Tenant and persons of the age of majority listed in the tenants' household engages in one and only one such act of Criminal Activity shall be cause for termination of Assistance, and cause for refusal of subsequent housing applications for a period of three (3) years. The Municipality of Villalba Housing Agency may utilize without regard to federal or local preferences it's available voucher Housing Agency, or any such Housing Agency/assistance made available through HUD's national pool of subsidy, to assist persons who are cooperating with a federal, state or local law enforcement investigation involving drug-related criminal activity, and when the applicant or participant is under a threat assignment and recommended for relocation to minimize or eliminate the potential for harm to the family.

## **Z. VIOLENCE AGAINST WOMEN**

The Violence Against Women Act (VAWA), Public Law 109-162 was signed on January 5, 2006. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 USC 1437 c-1) to require PHA's five-year and annual PHA Plans to contain a Domestic Violence Policy Statement regarding any goals, activities, Policies, or Programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Section 606 and 607 amend the Section 8 and public housing sections of the U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking- as well as members of the victims immediate families-from losing their HUD-assisted housing as a consequence of the abuse of which they are victim. While awaiting new guide lines from the Department of Housing and Urban Development for implementing VAWA the Municipality of Villalba (RQ-049) has adopted the following goals and objectives, for Domestic Violence Policy:

- The Municipality of Villalba applies to the Housing Choice Voucher Program and supports the goals of the VAWA Amendments and will comply with its requirements.
- The Municipality of Villalba will continue to administer its housing programs in ways that support and protect residents (including Section 8 Voucher Program participants) and applicants who may be victims of domestic violence, dating violence, sexual assault or stalking, including but not limited to notify voucher
- The Municipality of Villalba will not take any adverse action against a resident/participant or applicant solely on the basis of her or his being a victim of such criminal activity, including threats of such activity. "Adverse action" in this context includes denial or termination of housing assistance.
- The Municipality of Villalba will not subject a victim of domestic violence, dating violence, sexual assault, or stalking to more demanding standards for lease compliance than other residents.
- The Applicant/tenant/victim will be treated with respect and dignity.
- The Municipality of Villalba will notify Housing Choice Voucher owners and managers of VAWA.
- The Municipality of Villalba will develop policies and procedures as needed to

implement the requirements of VAWA.

**AA. SEXUAL OFFENDERS**

The municipality of Villalba will verify that the persons selected to participate in the Section 8 Program are not convicted of any type of sexual offense whether subject to life time registration or not (24 CFR 982.553) The Municipality of Villalba (RQ-049) will screen the family by performing criminal history back ground check necessary to determine whether any household member is subject to a life time sex offender registration requirement in the state where the dwelling unit is located and in other states where the household member are known to reside. The screening is to be carried-out though the Puerto Rico Police Department, which issues a Certificate of Conduct.

**BB. INFORMAL REVIEW OR HEARING ON AGENCY ACTION OR DECISION  
[24 CFR §982.554-555]**

A family who feels adversely affected as a result of an agency determination is entitled to an *informal hearing*. The request for an informal discussion must be filed in writing within fourteen (14) calendar days from the date of the written notification of the Housing Agency's action or decision.

Under the Section 8 program policies, the Housing Agency is not required to provide a hearing for determinations involving administrative discretion, general policy issues or class grievances, utility allowance schedules, refusal to extend or suspend a voucher term, refusal to approve a new lease, noncompliance with the HQS, or exercising or not exercising any right or remedy against the owner under the HAP contract. [24 CFR §982.555(b)]

**PY-\$1.00      Informal hearing for participant (24 CFR §982.555)**

*When hearing is required:*

1. The Municipality of Villalba Housing Agency will give a participant's family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant's family are in accordance with the law, HUD regulations and PHA policies:
  - a. A determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
  - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.
  - c. A determination of the family unit size under the PHA subsidy standards.
  - d. A determination that a voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA

subsidy standards, or the PHA determination to deny the family's request for an exception from the standards.

- e. A determination to terminate assistance for a participant family because of the family's action or failure to act (see §982.552).
  - f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.
2. In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA will give the opportunity for an informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP Contract.

*Notice to Family:*

- 1. In the cases described in paragraphs (a)(1) (i), (ii) and (iii) of this section, the PHA will notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
- 2. In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA will give the family prompt written notice that the family may request a hearing. This notice will:
  - Contain a brief statement of reasons for the decision.
  - State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
  - State the deadlines for the family to request an informal hearing.

*Expeditious hearing process:*

Where a hearing for a participant's family is required under this section, the PHA will proceed with the hearing in a reasonably expeditious manner upon the request of the family. (i.e., 3-5 working days)

*Participant's Hearing procedure:*

- 1. *Discovery*
  - a. By family. The family will be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing. The family will provide requested copies at the cost of five cents per page payable in cash at the office of the Central Administrative Office of the Municipality of Villalba Housing Agency. If the PHA does not make the document available for examination on request of the

- family, the Municipality of Villalba Housing Agency may not rely on the document at the hearing.
- b. By PHA. The HA hearing procedures do provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.
  - c. Documents. The term "documents" includes records and regulations.
2. *Representation of family.* At the family's own expense, the family may be represented by a lawyer or other representative.
  3. *Hearing officer: Appointment and Housing Agency.*
    - The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.
    - The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA hearing procedures.
  4. *Evidence.* The PHA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
  5. *Issuance of decision.* The person who conducts the hearing must issue a written decision(s), stating briefly the reason(s) for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished within seven (7) working days to the family.

*Effect of Decision.* The PHA is not bound by a hearing decision:

1. Concerning a matter for which the PHA is not required to provide an informal hearing under this section, or that otherwise exceeds the Housing Agency of the person conducting the hearing under the PHA hearing procedures.
2. Contrary to HUD regulations or requirements, or otherwise contrary Federal, State, or Local laws.

If the PHA's general counsel determines that it is not bound by a hearing decision, the general counsel must notify the family within seven (7) working days of the determination, and of the reasons for the determination.

## **CC. USE OF SECTION 8 ASSISTANCE TO PROMOTE HOMEOWNERSHIP**

The Municipality of Villalba Housing Authority (VHA) Housing Choice Voucher Homeownership Program is designed to expand homeownership opportunities for voucher participants. This program will assist HCV participants to transition from rental assistance to homeownership using their voucher assistance.

The HCV Homeownership Program was originally designed to address the special housing needs of people with disabilities as documented in both the State and Municipality of Villalba Consolidated Plans. The pilot program targeted qualified families where either the head of the household or spouse was a person with a physical, mental or developmental disability, as defined by HUD at 24 CFR 5.403.

The HCV Homeownership Program is now available to all voucher holders who meet the minimum qualifications set forth in this plan and who have the ability to independently secure a mortgage loan. The number of participants served through the HCV Homeownership program is currently limited to the parameters set forth in the VHA Agency Plan.

### **A. HOUSING CHOICE VOUCHER RULES APPLY**

With the exception of unique eligibility and “family obligation” procedures identified elsewhere in the chapter, VHA will administer the HCV Homeownership program in accordance with all the policies and procedures contained in the HCV Administrative Plan and 24 CFR Part 982.

### **B. ELIGIBILITY REQUIREMENTS FOR FAMILIES**

Participation in the HCV Homeownership Program is voluntary. Each participant must meet the general requirements for admission to the HCV rental program as set forth in the VHA Section 8 Administrative Plan. The family must also meet all eligibility requirements of the HCV Homeownership Program.

#### **B.1 General Requirements**

Only current participants in the HCV rental program who have received assistance for at least one full year may apply for the homeownership program.

An applicant must be in good standing with their landlord and VHA with regard to their family obligations.

The family must satisfy the prerequisite of being in “good standing” prior to receiving a Certificate of Eligibility for the homeownership program. For the purposes of the homeownership program, “good standing” is defined as meeting all of the conditions prior to and during the homeownership shopping period, as outlined below.

A landlord reference(s) indicating that during the prior year the family has an uninterrupted record of paying monthly rent in full and on time, and satisfactorily meets all other lease obligations, as documented on *HOP 813, Homeownership Landlord Reference* form. All verifications will be completed via third-party written or oral communication with the applicant’s landlord.

Within the past year, the family has met all the HUD and VHA family obligations under the HCV program.

Within the past year and throughout the homeownership shopping period, the family may not owe VHA or any other housing authority any outstanding debt nor enter into a repayment agreement. A participant may become eligible to apply for the homeownership program on the anniversary date of full payment of any debt, subject to meeting the other conditions of good standing.

An applicant must be a “first-time homeowner.”

To qualify as a “first-time homeowner,” the assisted family may not include any person with a “present ownership interest” in a residence during the three years before the commencement of homeownership assistance for the family.

Cooperative membership shares acquired prior to the commencement of homeownership assistance are exempt from this rule. A single parent or displaced homemaker who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse, is considered a “first-time homeowner.”

Other conditions also apply to “first-time homeowner” definition:

- No family member may have a present ownership interest in a second residence while receiving homeownership assistance.
- If VHA determines that a disabled family requires home-ownership assistance as a reasonable accommodation, the first-time homeowner requirement does not apply.
- VHA will not commence homeownership assistance for a family if any family member has previously received assistance under the homeownership option, and has defaulted on a mortgage securing debt incurred to purchase the home.

An applicant for the program must demonstrate a minimum down payment of at least three percent (3%) or more. One percent (1%) of the purchase price of the property must come from the family’s personal resources.



An applicant for the program must meet the minimum income standards defined below:

For a family whose head of household or spouse is an individual that experiences permanent disability, the standard is equal to the monthly Federal Supplemental Social Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve.

For non-disabled working families, the minimum income standard is the federal minimum wage multiplied by 2,000 hours.

For purposes of program eligibility, welfare assistance may only be counted as income in cases where the applicant meets the definition of an elderly or disabled family.

An applicant for the program shall be considered to have satisfied the minimum income requirement if the family can demonstrate that it has been pre-qualified or pre-approved for financing. The pre-qualified or pre-approved financing amount must be sufficient to purchase housing that meets HUD Housing Quality Standards (HQS).

An applicant for the program must attend and satisfactorily complete a VHA pre-assistance 10 hours housing counseling program, and any other counseling prescribed by VHA.

## **B.2 Employment Obligations**

Except for a disabled family or an elderly family, assistance under the homeownership program is limited to families who demonstrate a stable work history. The employment requirement is used to determine eligibility and is a requirement throughout the period of homeownership assistance.

Regular seasonal employees and self-employed workers, who have a demonstrated work history and an annualized income, will be considered continuously employed for purposes of HCV Homeownership program eligibility and subsequent employment requirements.

The applicant head of household, spouse, or adult that will be on the mortgage document is required to document full-time (no less than 30 hours per week), continuous employment for a period of no less than 12 months prior to application.

The head of household, spouse or co-head must document earned income of no less than the federal minimum wage times 30 hours x 52 weeks. ( $\$6.55 \times 30 \text{ hours} \times 52 \text{ weeks} = \$10,218.00$ ) during the preceding 12 months.

The applicant head of household, spouse or adult on the mortgage document must remain continuously employed (no less than 30 hours per week) while participating in the program.

For eligibility purposes, continuous employment is defined as: **“No gap in employment lasting more than four weeks total during the past year.”** Continuous employment for seasonal employees and self-employed workers is defined as two consecutive years of regular seasonal employment where VHA ‘annualizes’ family income when determining family rent.

Part-time employment by both parties, totaling over 30 hours per week, does not constitute full-time employment by either party.

VHA has the discretion to interpret small gaps in employment. Permissible gaps can only occur if loss of employment resulted from measures beyond the employee's control (layoff, medical emergency); and did not result in an employment gap of more than four consecutive weeks.

Documentation of the initial employment requirement for the HCV Homeownership program will be completed using *PW-VF204 Employment Verification* form. All verifications will be completed via EIV, third-party written or oral communication with the applicant's employer. Annual documentation of the full-time employment requirement will be completed using the *Homeownership Voucher Work Certification* at annual reexamination.

Lenders may require participants to demonstrate a history of full-time, continuous employment of no less than 24 months.

The employment requirement is not applicable to elderly families or those whose head of household, spouse, or co-head experience permanent disability in accordance with the occupancy definition of disabled.

## **C. APPLICATION PROCESS**

Applicants may contact the HCV Program Administrator or a Housing Specialist to receive information about HCV Homeownership Program and a *Homeownership Application*.

### **C.1 Application Form**

An applicant must complete and submit the *Homeownership Application* to the HCV Program Administrator for review. The application includes information on income, assets, obligations, and family composition.

### **C.2 Application Attachments**

1. Documentation of attendance at a VHA Homeownership Pre-Purchase Housing Seminar offered by VHA staff or other counseling agency approved by HUD. A certificate of attendance for Homeownership counseling must be attached to the pre-qualification application. Participant must pay for the Seminar unless the VHA arrange one free Seminar.
2. A current bank statement verifying \$1,000 in savings designated toward the one percent (1%) of personal funds down payment requirement. Applicants must document a three percent (3%) down payment with the mortgage lender prior to closing.
3. A VHA *Employment Verification* form.
4. A signed *Homeownership Landlord Verification form*.

5. If applicable, a verification of disability, if not on file.
6. The applicant must document household composition for all individuals who will reside in the household.

### **C.3 APPLICATION REVIEW**

Upon receipt of a HCV *Homeownership Application*, the HCV Program Administrator determines whether an applicant meets the eligibility criteria for the program. The application review will include:

1. Evaluation of family composition and HCV rental status.
2. Review of income, savings, and disability documentation.
3. Verification that the applicant is in compliance with all lease provisions using the VHA *Landlord Reference* form.
4. Evaluation of employment history.

All documentation is subject to independent verification by VHA program staff. The Program Administrator will review the file for discrepancies or omissions. If, at any time throughout the process, the Program Administrator sees a discrepancy in reported income, assets, or family share, he/she shall report it to the Section 8 Program Director. The Director shall perform an interim reexamination, resolve whether further action is necessary, and report the outcome to the Program Administrator.

If, in the course of a loan application, a loan originator, or other third party, document income not previously reported to VHA, VHA will conduct an interim reexamination of income. Should the reexamination result in a debt or proposed repayment agreement, VHA shall retain sole discretion to withdraw the *Certificate of Eligibility* subject to the outcome of any grievance procedure related to the income discrepancy. The participant family must remain on the HCV program for an additional year, in good standing, before VHA may re-issue a *Certificate of Eligibility*.

### **D. DETERMINING “MORTGAGE READY” APPLICANTS**

Applications for homeownership are date-stamped. Complete applications – those with all necessary attachments in place – are placed on a waiting list in order of date and time received.

A *Certificate of Eligibility* is awarded on a first-come, first-served, basis after a participant is determined eligible and “mortgage ready.” VHA will issue ten *Certificates* as set forth in the VHA Public Housing Agency Plan.

The *Certificate* contains an estimate of the amount of HAP available to the family. This estimate is useful to the applicant and lender when determining income and debt ratios.

### **D.1 Incomplete Applications**

Incomplete applications will not be reviewed and will be returned to applicants for completion. A checklist of application deficiencies will be attached to the incomplete application. Participants must correct all deficiencies noted on the checklist and resubmit the checklist, complete application, and attachments, for additional consideration. Applications that are returned for incompleteness will be re-stamped and dated when they are returned complete.

### **D.2 Homeownership Counseling**

VHA will provide homeownership counseling prior to application, after a *Certificate of Eligibility* is issued, and post-purchase counseling. An HCV applicant must attend and satisfactorily complete the VHA *Homeownership* counseling program. The counseling program covers the topics listed below. Applicants who VHA determines are not yet “mortgage ready” may be required to obtain additional information on any of the following issues:

5. Is homeownership right for you?
6. Special needs of disabled home buyers/fair housing issues;
7. Budgeting and money management;
8. Credit counseling;
9. How to negotiate the purchase price of a home;
10. How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
11. How to find a home, including information about homeownership opportunities, schools, and transportation services in the area;
12. Information about the Real Estate Procedures Act, State and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions;
13. Home maintenance;
14. Taxes, prorating of taxes if assisted by the program;
15. Inspection criteria, HQS requirements, special requirements in the contract for sale;
16. Post purchase counseling- if required.

## **E. CERTIFICATE OF ELIGIBILITY**

If the HCV Program Administrator determines that a family meets minimum eligibility criteria, he/she may issue a *Certificate of Eligibility* to enable the applicant to shop for a home purchase. The Program Administrator will deliver the *Certificate of Eligibility* and a copy of the *Homeownership Application* to the participant. These documents will assist the applicant in determining the maximum sales price and loan amount in the pre-qualification process in conjunction with their lender.

Whenever an opening occurs in the program, VHA will select the next available applicant for an intake interview. The Program Administrator will interview the applicant to ensure that all the information contained in their *Homeownership Application* is current and that the applicant is eligible for homeownership.

The issuance of a *Certificate of Eligibility* does not guarantee that a participant will have the ability to secure a home ownership loan. Other considerations such as the housing market, an applicant's credit history, total indebtedness, and current income, will be factors that will determine a participant's ability to secure a home mortgage. All participants will qualify independently through a mortgage lender of their choice.

### **E.1 Changes in Family Size or Composition**

All changes in family composition must be reported prior to the change to the Housing Program Specialist and the HCV Homeownership Program Administrator. The *Certificate of Eligibility* will reflect the applicable subsidy standard VHA assigns to the family based upon the family's size and composition. The final *Housing Assistance Payment Certificate* will be issued based upon the subsidy standard applicable on the date of closing.

### **E.2 Changes in the Payment Standards**

The payment standard applicable on the date of closing establishes the baseline payment standard for the unit. If the payment standard changes after an offer to purchase has been made, but prior to closing, the payment standard applicable on the date of closing applies. VHA will reissue a revised *Certificate of Eligibility* effective on the effective date of the new Payment Standard.

Occasionally, a buyer and seller may execute an Earnest Money Agreement prior to a decrease in payment standard, with the closing taking place after the effective date of a decreased payment standard. For families whose head of household, spouse or co-tenant experiences permanent disability, VHA may request HUD approval to use the payment standard in effect on the date the Earnest Money Agreement was fully executed if the new, decreased, payment standard would jeopardize the sales agreement. This may only occur as a reasonable accommodation to a disabled household.

## **F. ELIGIBLE UNITS**

Eligible homes must be located within the respective geographic boundaries that govern the HCV rental program.

A family approved for homeownership assistance may purchase the following type of homes:

A new or existing home;

A single-family home;

A condominium;

A home in a planned use development, a cooperative, a loft or live/work unit;

A manufactured home, if situated on a privately owned lot or on a leased pad in a mobile home park.

If the family does not own fee title to the real property on which the home is located, the family must have the right to occupy the site for a period of at least forty years and the home must have a permanent foundation.

A unit can be under construction at the time a family enters into the contract of sale. A unit is considered to be “under construction” if the footers have been poured. Newly constructed homes are eligible for assistance when the construction is 100% complete, provided a “Certificate of Occupancy” is issued before the family completes the purchase transaction.

For VHA-owned units all of the following conditions must be satisfied:

- VHA informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a VHA-owned unit is freely selected by the family without VHA pressure or steering;
- The unit is not an ineligible housing unit;
- VHA obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any VHA provided financing. All of these actions must be completed in accordance with program requirements. VHA will obtain the services of a neighboring PHA or other independent HCV administering agency to perform these services, so long as the independent agency is operating a HCV Program

For units not yet under construction. Families may enter into contracts of sale for units not yet under construction at the time the family enters into the contract for sale. However, the PHA shall not commence homeownership assistance for the family for that unit, unless and until either:

(i) The responsible entity completed the environmental review procedures required by 24 CFR part 58, and HUD approved the environmental certification and request for release of funds prior to commencement of construction; or

(ii) HUD performed an environmental review under 24 CFR part 50 and notified the PHA in writing of environmental approval of the site prior to commencement of construction;

## **G. FAMILY SEARCH AND OFFER TO PURCHASE**

At the time the *Certificate of Eligibility* is issued, the family is placed in “home shopping status.” The family has 180 days to locate and make an offer on a home, and secure a prequalification letter from their lender. The Program Administrator may recommend three additional 30 day extensions not to exceed a total of 270 home shopping days. Additional 30-day extensions are available on a case-by-base basis, subject to approval by the Director of Public Housing or his designee.

During a participant’s search for a home, their housing choice voucher rental assistance shall continue. The participant family remains subject to all applicable rules and regulations.

Applicants must submit housing choice progress reports every 30 days to document progress toward homeownership.

Six progress reports will be included with the *Certificate*. If a participant family is unable to locate and purchase a home within the timeframe approved by VHA, the family may continue to receive rental assistance through their Housing Choice Voucher.

The family may not re-apply for the Homeownership Program until they have completed an additional full year of participation in the rental program following the expiration date of the *Certificate of Eligibility*.

VHA may require additional homeownership counseling prior to issuance of a second *Certificate of Eligibility*. The participant must meet all other eligibility criteria of the program at the time of resubmission.

A unit is considered “located” if a 90% letter from the lender has been issued to the participant and the buyer and seller have executed an ‘earnest money’ purchase agreement that includes the *VHA Addendum to the Residential Purchase Agreement*.

## **H. CONTRACT OF SALE**

Eligible homes must be located within the boundaries of the HCV Program. The seller cannot be an individual, company, or corporation who has been debarred, suspended, or is subject to a limited denial of participation by HUD or VHA. VHA may deny approval of a seller for any reason

provided for disapproval of an owner under the voucher rental program regulations.

Before commencement of homeownership assistance, the homeownership applicant must enter into a contract of sale, or earnest money agreement, with the home seller.

VHA will provide the buyer with an *Addendum to the Residential Purchase Agreement*. Both the buyer and seller must execute the earnest money agreement and *Addendum*.

The *Addendum to the Residential Purchase Agreement* shall contain the following provisions:

17. Specify price and other terms of sale by the seller to the purchaser.
18. Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser.
19. Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser and VHA.
20. Provide that the purchaser is not obligated to pay for any necessary repairs.
21. Specify that an HQS inspector be granted access to the property to perform an HQS inspection prior to closing. Homeownership assistance is contingent on satisfactory inspections by both inspectors and subject to approval by VHA.
22. Specify that the seller has not been debarred, suspended, or subject to a limited denial of participation in a HUD program under 24 CFR.

## **I. HOME INSPECTIONS**

Two home inspections are required prior to purchase: (1) An independent home inspection, and (2) an HQS inspection.

### **I.1 Independent Home Inspection**

HUD regulations require a home inspection by an approved independent, professional home inspector. The family is required to select and pay for a home inspector to identify any physical defects and determine the condition of the major building systems and components. The buyer and VHA must receive a written report of this examination describing the observable major defects, required repairs and/or accessibility modification requirements.

The inspector shall also be acceptable to the local lending institutions. In all cases the inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical and heating systems. The unit must pass a termite or wood destroying organism report and any other requirements as determined by the State.



VHA may not require the family to use an independent inspector selected by VHA. The independent inspector may not be a VHA employee or contractor, or other person under control of VHA. However, VHA has established standards for qualification of inspectors selected by families under the homeownership program.

VHA and the family will discuss the results of the inspection and determine if any pre-purchase repairs are necessary..

## **I.2 Housing Quality Standards (HQS) Inspection**

A Housing Quality Standards (HQS) inspection is required whenever the home is 100% ready for occupancy. The condition of the home must satisfy HQS standards before a sale may occur. SHA will conduct a Housing Quality Standards (HQS) inspection first, and if satisfactory, then require the independent inspection.

No further HQS inspections are required. However, VHA reserves the right to conduct interim HQS inspections before continuing to provide yearly homeownership assistance. VHA may exercise this option if it has reason to believe the home would no longer meet HQS standards, or has reason to believe that unauthorized individuals are living in the household.

Non-compliance with HQS standards may jeopardize a family's housing assistance payment. If the home does not pass the initial HQS inspection, then the Program Administrator will discuss with the purchasing family whether it would be more feasible to locate another home to purchase, or to have the needed repairs completed prior to the sale.

## **J. FINANCING AND AFFORDABILITY OF PURCHASE**

It is the responsibility of the family to secure financing for the home purchase. The issuance of the *Certificate of Eligibility* does not guarantee that a family has the ability to secure financing for a home purchase. The Program Administrator and/or partner agencies will provide guidance to potential home buyers to ensure they avail themselves of various down payment assistance programs, optimum loan packages, mortgage interest rates, and ways to avoid predatory lending practices.

### **J.1 Down Payment Requirement**

The purchasing family is required to invest at least three percent (3%) of the purchase price of the home. This investment can take the form of a down payment, closing costs, or a combination of the two. Of this sum, at least one percent (1%) of the purchase price must come from the family's personal resources. [24 CFR 982.625]

The buyer may acquire financing through any VHA approved lender. If the home is purchased using FHA mortgage insurance, it is subject to FHA mortgage insurance requirements.

Qualified participants may use the value of rental assistance as a form of “income” to help them qualify for a mortgage. Their assistance may be applied directly against their mortgage payment, therefore enabling a borrower to qualify for a home purchase.

There is no prohibition against using local/state grants or other subsidized financing in conjunction with the Housing Choice Voucher Homeownership Program. The program can be combined with a variety of mortgage loan products and other HUD programs to assist a potential home buyer in achieving the most favorable interest rate and terms of purchase.

## **J.2 Lending Partners**

VHA may not influence a family’s choice of lending options by limiting the use of homeownership assistance to particular units, neighborhoods, developers, lenders or require a family to use a set financing approach. However, HUD encourages local public housing authorities to develop partnerships with lenders to better serve the needs of families. VHA will counsel the family to avoid predatory lenders or lending practices. VHA will honor any financing package that arises from any lender approved by the VHA Mortgage Department.

VHA will execute a *Servicing Agreement* with the homebuyer at, or immediately after, closing and prior to the issuance of the first housing assistance payment. VHA will provide a copy to the homebuyer and retain a copy in the file.

## **J.3 Underwriting Options**

The following underwriting options are suggested under this program. The lender will decide upon the option based upon income and borrower qualifications determined on a case-by-case basis by the lender, and dependent upon the specific loan products utilized.

### Option One: Deduct HAP from Principal, Interest, Taxes & Insurance (PITI)

The borrower’s HAP is applied directly to the PITI, and the housing debt to income ratio is calculated on the “net housing obligation” of the borrower.

### Option Two: Add HAP to Borrower’s Income

Calculate total income as a combination of the tax-exempt HAP (grossed up by 25%) and the borrower’s income from employment using underwriting ratios specific to the loan product being used.

### Option Three: Two Mortgage Approach

Borrower qualifies for the first mortgage (PITI) using only earned income. The HAP is used to pay the full P&I for a second mortgage.

## **J.4 Loan Restrictions**

Mortgages with balloon payments or variable interest rates are not allowed under this program. The buyer may not enter into a seller financing or lease-purchase agreement under this program.

SHA reserves the right to review lender qualifications and the loan terms before authorizing homeownership assistance. VHA may disapprove proposed financing of the debt if VHA determines that the debt is unaffordable. In making this determination, VHA will take into account family expenses such as child care, un-reimbursed medical expenses, homeownership expenses, and other family expenses, in addition to the participant's income.

VHA must approve any proposed refinancing of the property. A loan committee will be convened to review all requests for refinancing.

Refinancing the property, without prior written approval from VHA, may result in termination of the HCV Homeownership assistance.

In making its determination, VHA will take into account the reason(s) for the request to refinance, as well as the current assets and liabilities of the family, and how the refinancing will impact the total tenant payment. Homeownership assistance may continue if refinancing is approved, but will be limited to the remaining term on the initial mortgage loan.

## **K. CONTINUED ASSISTANCE: FAMILY OBLIGATIONS**

After a home is located, but before homeownership assistance can begin, the family and VHA must execute a HUD prescribed "Statement of Homeowner Obligations." In the statement the family agrees to comply with all obligations under the homeownership option. The initial "Statement of Homeowner Obligations, HUD-52649" will be reviewed and executed at the HCV homeownership orientation.

The family must also execute the *VHA Statement of Family Obligations* which details the additional VHA HCV Homeownership Program obligations.

### **K.1 Continuous Reporting Requirements**

VHA will reexamine the family's income and composition on an annual basis.

After purchase of the home, the family must continue to adhere to the "HUD Statement of Homeowner Obligations" and the *VHA Statement of Family Obligations* in order to continue to receive the monthly housing assistance payment. The "HUD Statement of Homeowner Obligations" will be reviewed by the family and signed at each annual reexamination.

A new *Certificate of Housing Assistance Payment* and a new *Servicing Agreement* must be signed prior to any change in the housing assistance payment. Working families are required to annually document continued compliance with the full-time work requirement of the program by annual completion of the *Homeownership Work Certification*.

A family must disclose all changes in income within ten (10) business days of the change and at the annual reexamination. Failure to disclose or accurately report changes will jeopardize a family's continued participation in this program. A family may not add an adult household member without prior VHA approval. VHA will deny admission to any individual who would otherwise not qualify for admission to the program due to criminal history, drug related history, or registry on a sex-offender list.

Participant must agree to attend two post-purchase counseling sessions in conjunction with acceptance into this program to continue to receive assistance. VHA may require families who become delinquent on their mortgage payments to participate in additional homeownership and/or credit counseling classes.

VHA may deny or terminate assistance for violation of participant obligations as described in the "HUD Statement of Homeowner Obligations" or the VHA *Statement of Family Obligations*.

## **K.2 Continuous Employment Obligations**

The applicant head of household or spouse must remain continuously employed (no less than 30 hours per week) while participating in the program.

Part-time employment by both parties, totaling over 30 hours per week, does not constitute full-time employment by either party.

For continued eligibility purposes, continuous employment is defined two ways. Continuous employment by the head, spouse or co-head defined as full time employment (average of 30 hours per week) with no gap in employment lasting more than four weeks total (30 hours x 48 weeks = 1,440 hours). Or, earned income received by the head, spouse or co-head during the past year greater than the federal minimum wage times 30 hours x 52 weeks (\$6.55 x 30 hours x 52 weeks \$10,218).

The employment requirement is not applicable to elderly families or those whose head of household or spouse experience permanent disability.

## **K.3 Mitigating Circumstances**

If a working family is subsequently determined by VHA to now qualify as a "disabled family," as defined by HUD, the full-time employment requirement is no longer applicable to that family.

VHA will consider mitigating circumstances where certain lapses in employment prohibit the family from meeting its continuous employment obligation. These include receipt of Unemployment Insurance Benefits due to layoff; absences defined under the Family Medical Leave Act; receipt of Workman's Compensation benefits.

VHA will allow week-for-week substitutions whenever of any of these benefits are received.

The participant must return to full-time employment within 30 days after exhaustion of unemployment benefits. Failure to return to full-time employment (30 hours per week)

within 30 days will generate a 60-day *Notice to Correct*. Failure to correct will result in a correctable 30-day *Notice of Termination*.

A participant who is employed but is on leave from work due to maternity leave, FMLA or is receiving Workman's Compensation, is exempt from the full-time employment requirement during the period of approved leave from work. A participant must return to full-time employment within 30 days after exhaustion of applicable benefits. Willful failure to return to full-time employment (30 hours per week), after 30 days, will generate a 60-day *Notice to Correct*. Failure to correct will result in a correctable 30-day *Notice of Termination*.

Consideration of other mitigating circumstances is at the discretion of a local Area Coordinator recommendation to the HCV Program Administrator. The Program Administrator will convene a three-person committee to review any additional mitigating circumstances that prevent a participant's return to full-time employment within the time frames allotted. Determinations of the review committee are made on a case-by-case basis. Their decisions are subject to final approval by the Director.

#### **K.4 Guests and Changes in Family Composition**

All changes in family composition must be reported to the Housing Program Specialist. All new family members must be approved as eligible residents before moving into the residence.

Family guests are permitted for a period not to exceed 30 days in any calendar year. VHA may consider persons who exceed the 30 day occupancy limit, or who use the residence as a personal mailing address, unauthorized family members. The family may be in violation of their family obligations and VHA may take appropriate action up to and including termination of assistance.

#### **K.5 Other Continued Family Obligations**

In addition to completing the HUD Statement of Homeowner Obligations and VHA's Statement of Homeowner Obligations Addendum prior to the issuance of the homeownership voucher, agreeing to comply with all family obligations under the Homeownership Program, including but not limited to:

The family must comply with the terms of any mortgage securing debt incurred to purchase the home or any refinancing of such debt.

At any time the family is receiving homeownership assistance, the family may not sell or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home.

A home equity loan or any refinancing may not be acquired without the prior written consent of VHA.

The family must provide required information regarding income and family composition in order to correctly calculate the total tenant payment (TTP) and homeownership assistance, consistent with the HCV requirements and any other information requested by VHA concerning financing, the transfer of any interest in the home, or the family's homeownership expenses.

While receiving homeownership assistance, the family must notify VHA if the family defaults on a mortgage securing any debt incurred to purchase the home.

While receiving homeownership assistance, the family must notify VHA before the family moves out of the home.

The family must, at annual reexamination, document that the family is current on mortgage, insurance, escrow accounts, repair reserve account, and utility payments.

The family is prohibited from moving more than one time in a one (1) year period. The family may be required to participate in pre- and post-purchase homeownership counseling prior to re-housing.

While receiving homeownership assistance, no family member may have any ownership interest in any other residential property.  
Sign a release allowing VHA, counselors, realtors, and participating lenders to exchange information on the borrower.

Agree to maintain the condition of the home to comply with minimum HUD Housing Quality Standards (HQS).

Acknowledge that the termination of assistance shall be in accordance with program requirements and the Administrative Plan.

Acknowledge that the family is obligated for the whole mortgage payment in the event of termination of assistance.

Disclose any and all changes of family composition and family income immediately to VHA.

Agree that the family must immediately notify VHA of any late payment, delinquency notices, or default notices and must agree to participate in default counseling with a designated agency to become current.

Agree to attend any identified financial, homeowner or post purchase counseling during time of assistance.

Agree to the continued employment requirement as stated in VHA's Administrative Plan.

VHA requires the family to maintain a minimum reserve for maintenance and major repairs. The minimum reserve shall be equal to the monthly reserve amounts times the number of months assisted as a homeowner less any VHA approved withdraws.

Agrees that should they itemize deductions for IRS taxing purposes, they shall deduct in accordance with the IRS opinion that provides for a prorate deduction of the interest on a homeownership mortgage and homeownership taxes.

#### **L. MAXIMUM TERM OF HOMEOWNERSHIP ASSISTANCE**

For working households, homeownership assistance is available for a maximum 15-year term for mortgages with a 20-year or longer term and a maximum 10-year term in all other cases. The term is calculated from the date of issuance of the first housing assistance payment on the initial mortgage loan.

Families that qualify as a disabled family at the commencement of homeownership assistance, or at any time during the provision of homeownership assistance, are not subject to the 15-year term limitation. Homeownership assistance is available for a disabled family as long as the family remains eligible for the program.

If, during the course of homeownership assistance, the family ceases to qualify as a disabled family, the family will continue to be eligible for the homeownership assistance, subject to eligibility requirements of the Housing Choice Voucher program. The term of assistance will change to a maximum of 15-years for mortgages with a 20 year or longer term and a maximum ten year term in all other cases. This term will be calculated from the date of issuance of the first housing assistance payment on the initial mortgage loan.

In the case of an elderly family, the maximum term is for as long as they are eligible , provided the family qualifies as an elderly family at the start of homeownership assistance.

Upon the death of a family member who holds, in whole or in part, title to the home, homeownership assistance may continue, pending settlement of the decedent's estate. The home must be solely occupied by remaining family members in accordance with 24 CFR 982.551(h).

For a nonelderly/nondisabled family, the total homeownership assistance received by a family, whether on different homes or through different public housing agencies, cannot exceed the eligible term of assistance based on the of the initial mortgage loan.

## **M. HOUSING ASSISTANCE PAYMENT (HAP)**

While the family is residing in a homeownership unit, the HAP is equal to the lower of: (1) the payment standard minus the total tenant payment, or (2) the monthly homeownership expenses minus the total tenant payment.

The family is responsible for all monthly homeownership expenses not reimbursed by the housing assistance payment. Homeownership expenses include:

- principal and interest on the initial mortgage debt and any refinancing of such debt;
- any mortgage insurance premium incurred to finance the purchase of the home;
- real estate taxes and public assessments on the home;
- home insurance;
- cooperative or condominium operating charges or maintenance fees assessed by the condominium or cooperative homeowner association;
- the VHA allowance for maintenance expenses;
- the VHA allowance for costs of major repairs and replacements;
- the VHA utility allowance for the home; and
- principal and interest on debt incurred to finance major repairs, replacements or improvements on the home.

For an individual with disabilities, such debt may include those costs incurred by the family to make the home accessible.

## **N. PAYMENT STANDARD/SUBSIDY STANDARD**

For homeownership assistance, the payment standard for the family is the lower of: (1) the payment standard for the family unit size, or (2) the payment standard for the size of the home purchased (number of bedrooms in the house). At the annual anniversary, VHA will apply a payment standard that is the greater of: (1) the payment as calculated in Section M, above, at the commencement of homeownership assistance, or (2) the VHA payment standard for family unit size, used at its most recent annual anniversary. [24 CFR 982.635]

The VHA subsidy standards determine the bedroom-size that VHA assigns to the family based upon its size and composition. The subsidy standards are approved by the VHA Board of Directors; they generally remain the same from year to year and are available on the SHA web page at [www.villalbahuds8@hotmail.com](mailto:www.villalbahuds8@hotmail.com). The initial subsidy standard applied to a homeownership family is the same standard used for the rental program. The standards applicable on the VHA website at closing are the subsidy and payment standards applicable for the initial homeownership period. The *Certificate of Housing Assistance Payment* will be issued based on the current subsidy and payment standards in effect on the date of closing.



The respective payment and subsidy standard applicable on the date of closing establishes the baseline payment and subsidy standards for the unit. The payment standard for subsequent years is the greater of the payment standard at the commencement of homeownership assistance or the payment standard at the most recent annual re-examination. Unlike the voucher rental program, the initial payment standard shall be the base for future housing payments. The payment standard shall not drop below the initial amount due to changes by HUD or due to changes in family composition.

## **O. PORTABILITY**

VHA will permit portability of HCV homeownership assistance to another jurisdiction subject to VHA policies governing portability. The receiving jurisdiction must operate a HCV Homeownership Program for which the applicant qualifies and it must be willing to administer new homeownership families. In order to remain eligible for the program, the participant must sell the current home purchased under the HCV Homeownership Program and incur no mortgage default.

SHA will also accept families from another HCV Homeownership Program subject to SHA admission requirements for the homeownership program. It will administer the voucher if approved for homeownership.

## **P. MOVE WITH CONTINUED TENANT-BASED ASSISTANCE**

A family receiving homeownership assistance may move to a new unit with continued assistance. A family member must not own any title or other interest in the prior home and may not move more than once per year. VHA will review all requests to move with continued tenant-based assistance and may deny permission to move based on lack of sufficient funding to provide continued assistance or based upon the violations listed in Section P of this document.

## **Q. TERMINATION OF HOMEOWNERSHIP ASSISTANCE**

A family's homeownership assistance may be terminated if a family fails to comply with its obligations under the HCV Homeownership Program or if the family defaults on the mortgage.

### **Q.1 Failure to Comply with Homeowner Obligations**

The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide VHA with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; notification of the family's household composition and income and homeownership expenses on an annual basis;

and any notice of mortgage default received by the family. Except as otherwise specified in this plan, the family may not convey or transfer the home to any entity or person.

Homeownership assistance may be denied or terminated in accordance with any of the provisions listed at 24CFR 982.638 and/or VHA requirements.

## **Q.2    Occupancy of Home**

Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, VHA will not continue homeownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse VHA for homeownership assistance paid for the month the family moves out.

## **Q.3    Changes in Income Eligibility**

VHA may adjust a family's homeownership assistance based upon changes in family income. The effective change shall occur 30 days after the month in which a reexamination of income occurred.

Participation in the HCV Homeownership Program shall continue until such time as the assistance payment amounts to zero for a period of six consecutive months. At that time the family will no longer be eligible and the HAP will be terminated. However, should the family go to zero HAP, for 180 consecutive days, the VHA reserves the right to extend the period past 180 days, should there be documented extenuating circumstances for an extension to time period. Such documented extenuating circumstances include but is not limited to:

- Death in the family
- Loss of employment or income due to no fault of the family
- Documentation of a medical or financial hardship beyond the control of the family for a member of the assisted household

## **Q.4    Refusal to Meet Continuous Work Requirement**

VHA may terminate a working family's homeownership assistance based on a willful refusal to adhere to, or properly document, the full-time employment requirement.

## **Q.5    Family Requests a Return to Rental Assistance**

If a family requests to return to rental assistance, VHA may provide the family the opportunity to enter in the waiting list provided there is no mortgage loan default and the family has met all obligations under the HCV Program. The family must sell the home before VHA provides rental assistance.

## **R. MORTGAGE DEFAULT**

If a family defaults on a mortgage, VHA may not permit the family to move with continued assistance; but will analyze it in a case by case basis. The family must demonstrate that it has conveyed title of the home to the lender, or its designee, and moved from the home within the period established and approved by the lender and VHA [CFR 24 982.638(d)]. Any decision to approve or deny rental assistance is based on HCV rental program policies and procedures addressed in the VHA Administrative Plan.

If an applicant family previously experienced a mortgage default under the HCV Homeownership program, vHA will convene a loan committee comprised of Public Housing Division and Mortgage Department staff to review the new application. The panel will review the circumstances of the default, determine whether there were mitigating circumstances, and decide whether the family may qualify as a HCV Homeownership program applicant.

## **S. INFORMAL HEARINGS**

[24 CFR 982.555]

An informal hearing will be provided for participants who are being terminated from the Program because of the family's action or failure to act as provided in 24 CFR 982.552. The rules and procedures set forth in the Administrative Plan, entitled "Informal Hearings," will apply.

## **T. *RECAPTURE***

[24 CFR 982.640]

VHA will not recapture the Homeownership Voucher payments unless there was an act of fraud or misrepresentation of a material fact in order to obtain a benefit. **The HCV Homeownership recapture provision does not apply to any other program funds that may be used in the transaction.**

## **DD. CONDUCT OF ANNUAL SURVEY OF UTILITY SUPPLIERS**

The Municipality of Villalba Housing Agency will undertake an annual survey of local utility suppliers. Said survey will establish the need to retain, increase and/or decrease tenant allowances based on a review of area rates and consumption.

The survey results will be formatted and submitted to the Municipality of Villalba Housing

Agency Board of Housing Agency with staff's recommendation.

Whether the allowances remain the same or change, an allowance schedule will be published with a current date.

**EE. EQUAL OPPORTUNITY REQUIREMENTS**

The Housing Agency will administer its programs in a non-discriminatory manner. The Housing Agency shall not provide disparate services or treatment to any applicant, participant or owner based upon *race, color, creed, national origin, sex, handicap, or familial status*. The Housing Agency shall comply with all applicable provisions of federal, state and local fair housing laws. Further, the Housing Agency affirms its ongoing compliance with non-discrimination requirements governing assisted housing. [24 CFR §1 and 24 CFR §8]

**FF. EXPENDITURES FROM OPERATING RESERVE**

A budget is prepared by the Housing Agency for expenditures from the Operating Reserve (Section 8 administrative fees from prior years) for other housing purposes each fiscal year.

**GG. SEVERABILITY**

If any rule, section, sentence, clause or phrase of the rules and regulations or its application to any person or circumstances or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations or the application of these rules and regulations to other persons or circumstances or property shall not be affected. The Housing Agency hereby declares that it would have adopted these rules and regulations, and each and every rule, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the other rules, sections, sentences, clauses, or phrases is declared unconstitutional or invalid.

**HH. REPAYMENT POLICY AND PROCEDURE**

Repayment Agreements may be used to modify the terms (periodic amount and timing) of delinquent amounts owed. The circumstances under which repayment agreements are acceptable are under the discretion of the Section 8 manager as long as the family meets the basic eligibility requirements, as stated below, for a repayment agreement. The Section 8 manager is cautioned against the indiscriminate use of these agreements as they can become an obstacle to timely collection of monies due and owing the Housing Agency.

**PFF-§1.00      Purpose of Repayment Agreement**

A repayment agreement sets up an legally binding agreement between a delinquent tenant and the Municipality of Villalba Housing Agency under which the tenant agrees to pay current rent and charges plus a fair amount each month toward delinquent rent or charges until the delinquency is repaid in full.

The Municipality of Villalba Housing Agency, for its part, agrees not to terminate the lease of the delinquent tenant for nonpayment unless the tenant breaks the terms of the repayment agreement.

#### **PFF-§1.01 Eligibility to Enter into a Repayment Agreement**

A tenant is eligible to execute a repayment agreement when all of the following conditions are met:

1. No other repayment agreement is in force,
2. Any repayment agreements executed within the past 12 months have been fully satisfied in the manner prescribed by the agreement,
3. The tenant has not been delinquent 3 times within the preceding 12 month period,
4. The repayment agreement is requested within the 14 day delinquency remedy period which is concurrent with the running of the 14-day notice (this requirement may be waived if the tenant can prove that he/she was physically incapable of requesting this agreement during this period of time through no fault of his/her own),
5. The tenant is not under any actual or pending eviction proceeding,
6. There are no carryover balances from the previous month, and
7. The reason for the request for the repayment agreement is valid and is fully substantiated and documented.

Generally, these agreements should be restricted to clear cases of hardship (e.g., death in the immediate family, serious illness of tenant/lease holder, lost or stolen benefit check/paycheck, an unexpected Municipality of Villalba Housing Agency charge that exceeds the tenant's ability to pay in one sum). The Section 8 supervisor shall document the reason for granting each request for a repayment agreement.

#### **PFF-§1.02 Terms of Repayment Contracts**

The maximum duration of any repayment agreement that the Section 8 manager may approve shall be 12 months, inclusive of the month in which the down payment is made. The terms of all Municipality of Villalba Housing Agency repayment contracts shall be as follows:

##### Balance Due

\$26-\$100

##### Payment Due

\$25 down and \$25 per month

\$101-\$500	50% down and balance within 11 months with minimum payment of \$35/month
\$501-\$1000	50% down and balance within 11 months with minimum payment of \$50/month
\$1001+	50% down and balance within 11 months with minimum payment of \$75/month

When the down payment required exceeds \$125, the Section 8 supervisor may approve arrangements resulting in the payment of the portion that exceeds \$125 in equal installments over a two-month period.

### **PFF-§1.03 Preparation to Negotiate a Repayment Agreement**

The Section 8 supervisor will conduct a file review before meeting with the tenant to determine whether the tenant's rent was computed correctly, whether the tenant is entitled to some interim reduction in rent not yet granted, whether the tenant utility allowance schedule has been reviewed within the past year as required by HUD regulations (24 CFR, Part 965), or whether the tenant might be entitled to a rent abatement because of documented conditions hazardous of life, health or safety.

Any of these situations might reduce or alter the amount delinquent (or eliminate the delinquency) so all these possibilities must be checked before meeting with the tenant. If any of these conditions are present and warrant a reduction in the amount of rent or charges due, an adjustment is to be made and any resulting rent credit shall be applied retroactively to the time that the circumstances arose.

The Section 8 supervisor's file review should also include an examination of the tenant's payment history, any pending eviction actions, special circumstances and income. The Section 8 supervisor should be thoroughly familiar with the specific tenant's circumstances and be able to fully document the tenant's eligibility and sufficiency of justification for a repayment agreement.

### **PFF-§1.04 Negotiating a Repayment Agreement**

Once the Section 8 manager has determined that the tenant is eligible the parties will meet to address the terms of the agreement. The primary topics for the negotiation are the down payment and the amount of the subsequent monthly payments under the agreement. The negotiation shall be carried out in a professional and non-threatening manner.

The Section 8 supervisor should attempt to shorten the duration of the agreement by seeking the largest down payment and subsequent monthly payments that the tenant can afford. Under no circumstances may the Section 8 manager agree to a term that is in excess of 12 months or which requires a down payment of less than what is specified by the Municipality of Villalba Housing Agency policy.

The Section 8 supervisor shall emphasize to the tenant that the repayment agreement being

negotiated must be paid off in full and in accordance with the terms before the tenant can be considered for any other repayment agreement. The Section 8 supervisor should also inform the tenant that failure to abide by the terms of the agreement will be grounds for termination of rental assistance for amounts due and owing the Housing Agency.

#### **PFF-§1.05     Executing the Repayment Agreement**

When the terms of the Agreement have been settled, the Section 8 Housing Representative will complete the Repayment Agreement for approval and signature of the Section 8 supervisor. The form will then be explained to the tenant and both parties will sign it in the appropriate places. Two copies of the executed Agreement will be made and given to the tenant. The supervisor will place the original of the agreement in the tenant's file.

The Section 8 supervisor shall provide accounting with the pertinent information from all executed repayment agreements.

### **I I.     FAMILY SELF-SUFFICIENCY**

If approved, the Municipality of Villalba Housing Agency will enroll families as required and consistent with 24 CFR §984.105 in the Family Self-Sufficiency Program (FSS), to promote the development of local strategies, integrate programs, and coordinate public and private resources to enable low-income families to achieve economic independence and self-sufficiency.

Under the FSS Program, participating families will enter into contracts with the Municipality of Villalba Housing Agency to set forth the resources for education, job training, counseling and other forms of assistance while living in assisted housing.

The FSS program will limit the increase in rent payable by very low-income families due to increases in earned income. The excess will be used to fund an escrow savings account that is available to the family upon successful completion of the program.

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**Appendix 1: *Sample formats for obtaining written and/or oral third party verifications***

A. Employment Income.

1) Relevant Information to Verify with Third Party:

a) Nonmilitary employment

(1) Date first employed

(2) BASE PAY RATE (Gross) (check one)

Per Hour \$\_\_\_\_\_; OR per Week \$\_\_\_\_\_ OR  
Per Month \$\_\_\_\_\_.

Date present rate effective \_\_\_\_\_

Expected Average Hours to be worked during next 12 calendar months at Base Pay Rate:

Per Week \_\_\_\_\_ or Per Month \_\_\_\_\_.

(3) OVERTIME PAY RATE

Per Hour \$\_\_\_\_\_

Expected average number of hours to be worked per week during next twelve calendar months \_\_\_\_\_ hours.

(4) OTHER COMPENSATION NOT INCLUDED ABOVE  
(Specify for Housing Agency's, bonuses, tips, etc.)

FOR \_\_\_\_\_ \$ \_\_\_\_\_  
Per \_\_\_\_\_

(5) TOTAL Anticipated Base Pay Earnings for the next 12 calendar months

TOTAL Anticipated Overtime Earnings for the next 12 calendar months

(6) Medical Insurance Premium Deducted (if any) (Currently, applicable to elderly families only)

- (7) Has Employment been terminated? \_\_\_Y \_\_\_N  
If Yes, Is Individual Eligible for Unemployment Benefits?

B. Military Employment

- (1) Years \_\_\_\_\_ and months \_\_\_\_\_ of service for pay purposes.  
Number of Dependents Claimed \_\_\_\_\_

- (2) Monthly Income from the following sources:

Base Pay and Longevity Pay

Proficiency Pay

Sea and Foreign Duty Pay

Hazardous Duty Pay

Imminent Danger Pay

Subsistence Allowance

Quarters Allowance (Include only amount contributed by  
Government)

Other (Explain)

TOTAL AMOUNT RECEIVED MONTHLY \$\_\_\_\_\_

- 3) Acceptable forms of verification include:

- a) Employment verification form completed by the employer verifying frequency of pay; effective date of the last pay increase; and probability and effective date of any increase during the next 12 months.
- b) Check stubs or earning statements showing employee's gross pay per pay period and frequency of pay.
- c) W-2 forms if applicant has had the same job for at least two years and pay increases can be accurately projected.
- d) Notarized statements, affidavits or income tax returns signed by the applicant describing self-employment and amount of income or income from tips and other gratuities.

- 4). Date Employment Terminated:

5) Relevant Information to Verify with Third Party:

- a) Date of Hire
- b) Date of Termination
- c) Last Day Actually Worked
- d) Do you anticipate rehiring this employee? If, Yes, when
- e) Will the employee receive additional paychecks for Workman's Compensation? If YES, provide the name and address of the company through which this can be verified.
- f) Is employee eligible for unemployment benefits?
- g) Total Severance Pay Anticipated for the next 12 months.

6) Acceptable forms of verification

- a) Termination of employment verification
- b) Letter from employer stating date of termination.
- c) Letter from an Housing Agency providing unemployment compensation stating that the individual's employment terminated and that unemployment benefits will begin.

C. Social Security, Pensions, Supplementary Security Income (SSI), Disability Income.

This paragraph is not suggesting that Section 8 Housing Representatives group verifications of these different sources of income into one verification. Section 8 Housing Representatives may have to adapt the questions, depending on the source of income being verified. This paragraph provides suggestions on the types of questions that are appropriate to ask a third party.

NOTE: HUD anticipates that the Social Security Administration will be terminating its third party verification service in 1996. Until this happens, the Housing Agency will continue to use a third party verification that is acceptable by the Social Security Administration.

1) Relevant Information to Verify with Third Party:

- a) Name of Original Annuitant
- b) Pension Claim Number or SSN of Person Receiving the Pension Claim
- c) Current monthly gross amount of pension or annuity
- d) Deductions from gross for medical insurance premiums

- e) Date benefits began
- f) Effective date of current amount
- g) For annuities, ask: Did the individual invest in an annuity? If yes, what is the amount invested? Does the individual receive regular payments? When are they received (monthly, annually)?
- h) For pensions and annuities, ask: Is the individual reimbursed for medical costs?
- i) For social security, ask: Has the monthly payment been reduced for overpayment of previous benefits? If so, by how much?

2) Acceptable forms of verification:

- a) Benefit verification form completed by Housing Agency providing the benefits.
- b) Award or benefit notification letters prepared and signed by the authorizing Housing Agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letters can't be obtained.)

D. Unemployment Compensation:

1) Relevant Information to Verify with Third Party:

- (a) Gross Weekly Payment
- (b) Sate of Initial Payment
- (c) Duration of benefits: \_\_\_\_weeks
- (d) Is the claimant eligible for further benefits?
- (e) If No, what is the date the benefits are terminated?

2) Acceptable forms of verification

- (a) Verification form completed by the unemployment compensation Housing Agency.
- (b) Records form unemployment office stating payment dates and amounts.

E. Public Assistance:

1) Relevant Information to Verify with Third Party:

- (a) Number of Members in the Family
- (b) Names of the children for whom benefits are received and their social security numbers
- (c) Date of Initial Assistance
- (d) Is recipient covered by Medicaid? If yes, what is the Medicare spend down amount?
- (e) Does the recipient meet his/her spend down each period?
- (f) What is the Rate per month under the following grant?
- (g) Aid to Families with Dependent Children
  - (ii) General Assistance
  - (iii) Supplemental Social Security
  - (iv) Other Assistance - Type TANF
- (h) The following question applies only to "as-paid" states only: Amount Specifically Designated for Shelter and Utilities (This is the Maximum allowance for Rent and Utilities)
- (i) The Grant is increased by the following Amounts: (Specify purpose)
  - Employment income \$ \_\_\_\_\_
  - Childcare allowance \$ \_\_\_\_\_
  - Transportation \$ \_\_\_\_\_
  - Other \_\_\_\_\_ \$ \_\_\_\_\_
- (j) The grant is reduced by the following amounts:
  - Alimony \$ \_\_\_\_\_
  - Child Support \$ \_\_\_\_\_
  - Other (specify) \$ \_\_\_\_\_
- (k) Is there any thing else that will influence the amount of the grant? If yes, specify purpose and amount.

(l) Has the monthly payment been reduced for Overpayment of previous benefits? If so, by how much?

(m) TOTAL MONTHLY GRANT \$ \_\_\_\_\_

2) Acceptable forms of verification

a) All Welfare Programs. Welfare Housing Agency's written statements as to type and amount of assistance family is now receiving, and any changes in assistance expected during the next 12 months.

b) Additional Information for As-Paid Programs:

Welfare Housing Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount a family may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the client's grant.

F. Alimony or Child Support Payments:

1) Relevant Information to Verify with Third Party:

a) Amount of alimony or child support being provided to the family

b) Will such amounts be terminated within the next 12 months. If so, when?

2) Acceptable forms of verification

a) Copy of a separation or settlement agreement or divorce decree stating amount and type of support and payment schedules

b) A letter from the person paying the support.

c) Copy of latest check. PHA must record the date, amount, and number of check.

d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

G. Net Income from a Business. The following documents show income for the prior years. Housing Representatives must consult with tenants and use this data to estimate income for the next 12 months.

- 1) IRS Tax Return, Form 1040, including any:
  - a) Schedule C (Small Business)
  - b) Schedule E (Rental Property Income)
  - c) Schedule P (Farm Income)
- 2) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)
- 3) Audited or unaudited financial statement(s) of the business.
- 4) Loan Application listing income derived from the business during the previous 12 months.
- 5) Applicant's notarized statement or affidavit as to net income realized from the business during the previous years.

H. Recurring Gifts. Acceptable forms of verification.

- 1) Notarized statement or affidavit signed by the person providing the assistance. It must give the purpose, dates and value of gifts.
- 2) Applicant's notarized statement or affidavit that provides the purpose, dates and value of gifts.

I. Family Assets Now Held.

- 1) Relevant Information to Verify with Third Party:

For non-liquid assets, collect enough information to determine the current cash value--the net amount the family would receive if the asset were converted to cash.

- a) Type of Account
- b) Current balance or, for checking accounts, the average balance for the last 6 months



- c) Date account opened
  - d) Date account closed
  - e) Is this an interest bearing account? If so, what is the interest-rate?
  - f) For trust funds:
    - (i) What is the value of the trust fund?
    - (ii) What is the anticipated amount of income to be earned by the trust over the next 12 months?
  - g) For property, what is the equity value?
- 2) Acceptable forms of verification
- a) Verification forms, letters, or documents from a financial institution, broker, etc.

NOTE: When financial institutions charge a fee to the applicant or tenant for providing verifications, the forms of verification in paragraph (b) below would be the preferred method.

- b) Account statements, passbooks, broker's quarterly statements showing value of stocks or bonds, etc., and the earnings credited the applicant account statements, or financial statements completed by a financial institution or broker.

NOTE: The PHA must adjust the information provided by the financial institution to project earnings expected for the next 12 months.

- c) Quotes from a stockbroker or realty agent as to net amount family would receive if the liquidated securities or real estate.
- d) Copy of IRS Form 1099 prepared by the financial institution showing the amount of income provided by the asset.
- e) Real estate tax statements if tax Housing Agency uses approximately market value.
- f) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the individual.

- g) Appraisals of personal property held as an investment.
- h) Applicant's notarized statements or signed affidavits describing assets or to verify cash held at the applicant's home or in safe deposit boxes

J. Asset Disposed of For Less than Fair Market Value During Two Years Preceding Effective Date of Certification or Re-certification. Suggested information to obtain, as acceptable forms of verification are included below:

- 1) Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding effective date of the certification or re-certification.
- 2) If the family certifies that they did dispose of assets for less than fair market value--a certification that shows:
  - a) All assets disposed of for less than fair market value;
  - b) The date they disposed of the assets;
  - c) The amount the family received; and
  - d) The assets' market value at the time of disposition.

K. Income from Sale of Real Property Pursuant to a Purchase Money Mortgage, Installment Sales Contract, or Similar Arrangement. The following provides suggested information to verify with a third party and acceptable forms of verification:

- 1) A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the applicant is NOT sufficient since appropriate breakdowns of interest and principal are not included.)
- 2) Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

L. Rental Income from Property Owned by Applicant/Tenant. The following provide suggested information to verify with a third party and acceptable forms of verification:

- 1) IRS Form 1040 with Schedule E (Rental Income).
- 2) Copies of latest rent checks, leases, or utility bills.
- 3) Documentation of applicant's/tenant's income and expenses in renting the property

(tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or Amortization schedules showing monthly interest expense.)

- 4) Lessee's written statement identifying monthly payments due the applicant and applicant's affidavit as to net income realized.

M. Full-Time Student Status. The following provides suggested information to verify with a third party and acceptable forms of verification.

- 1) Written verification from the registrar's office or appropriate school official.
- 2) School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school

N. Child-Care Expenses. The following provides suggested information to verify with a third party and acceptable forms of verification:

- 1) Written verification from the person who receives the payments.
- 2) Verifications must specify the hours and days during which the care is provided, the names and ages of the children cared for, and the frequency and amount of compensation received. (Section 8 Housing Representatives should recognize that child care costs may be higher during summer and holiday recesses.)

NOTE: Housing Representatives should ask the verifying party to indicate children age 12 or younger.

- 3) Applicant's certification as to whether any of those payments have been or will be reimbursed by outside sources.

NOTE: Housing Representatives may wish to use separate verification consents for childcare and disability/handicap care

O. Medical Expenses. The following provide suggested information to verify with a third party and acceptable forms of verification:

- 1) Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, etc., of:
  - a) The estimated medical costs to be incurred by the applicant and of regular

payments due on medical bills; and

- b) The extent to which those expenses will be reimbursed by insurance or government Housing Agency.
  - c) Whether the provider accepts Medicare assignment.
- 2) The insurance company's or employer's written confirmation of health insurance premiums to be paid by the applicant.
  - 3) Social Security Administration's written confirmation of Medicare premiums to be paid by the applicant over the next 12 months.
  - 4) For attendant care:
    - a) Doctor's certification that the assistance of an attendant is medically necessary.
    - b) Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family (or copies of canceled checks the family used to make those payments).
    - c) Applicant's certification as to whether any of those payments have been or will be reimbursed by outside sources.
  - 5) Receipts, canceled checks, or pay stubs that indicate health insurance premium costs, etc., that verify medical and insurance expenses also likely to be incurred in the next 12 months.
  - 6) Copies of payment agreements with medical facilities or canceled checks that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
  - 7) Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Section 8 Housing Representatives may use this approach for "general medical expenses", such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

P. Need for Larger Unit because of Physical or Mental Disability or Handicap: A health care provider (that is deemed a reliable source) must certify that such a unit is necessary because of a disability or handicap. As a routine practice, Section 8 Housing Representatives should accept

the recommendation of the individual as to which health care provider can provide this information.

Q. Disabled/Handicap Assistance Expense:

- 1) Attendant Care:
  - a) Attendant's written certification as to: amount received from the applicant/tenant; frequency of receipt; hours of care provided; and/or copies of canceled checks applicant/tenant used to make those payments.
  - b) Family's written certification as to whether they receive reimbursement for any of the attendant care expenses and the amount of any reimbursement received.
- 2) Auxiliary Apparatus: Receipts for purchases of, or evidence of monthly payments for, auxiliary apparatus.
- 3) In all Cases:
  - a) As routine practice, Section 8 Housing Representatives should accept the individual's written statement that an auxiliary apparatus or attendant care is necessary for employment. If the PHA determines that verification is necessary in a particular case, the PHA should obtain written certification from a health care provider (that is deemed a reliable source) or a rehabilitation Housing Agency that the disabled/handicapped family member requires the services of an attendant or the use of auxiliary apparatus to permit the disabled/handicapped family member to be employed or to enable another family member to be employed. This paragraph follows established practices regarding individuals' requests for reasonable accommodations where the PHA relies on the individual to determine what is needed.
  - b) Family's written certification as to whether they receive reimbursement for any of the auxiliary apparatus expenses and the amount of any reimbursement received.

R. Family Type and Membership in Family:

- 1) For elderly household where the Head, Co-Head or Spouse is 62 years of age or older--Verification of age may be provided by:

- a) Copy of a birth certificate, baptismal certificate, census record, official record of birth or other authoritative document or
  - b) Receipt of SSI Old Age benefits or Social Security retirement benefits.
- 2) For Disability or Handicap (because the individual's eligibility for admission is dependent on his/her being a person with handicaps or disabilities or because the individual claims eligibility for allowances that are given to persons with handicaps or disabilities)

Verification of handicap/disability may be provided by:

- a) Receipt of Supplemental Social Security disability or Social Security disability benefits would provide verification that an individual met the HUD definition of disabled
- b) Certification by a health care provider (that is deemed to be a reliable source) that the individual meets the relevant definition of disabled or handicapped person.

Note: Any other request for information about the individual is not relevant and may not be asked (e.g., diagnosis; treatment plan).

- 3) For family membership of persons younger than age 18--verification of age may be provided by birth certificate, adoption papers and/or custody agreements.

S. Local Preferences:

**Number one (1)**

1) **Victims of Domestic Violence:**

- a) Relevant Information to Verify :
  - (1) Date the violence occurred.
  - (2) Request Police Department Query number.
    - (i) Investigate who placed the query.
    - (ii) Investigate who was involved.
    - (iii) The owner has taken an action which forces this applicant

to vacate the unit:

The action was beyond the applicant's ability to control or prevent;

- (iv) The applicant has vacated a housing unit because of domestic violence or the applicant lives in a housing unit with a person who engages in domestic violence or has recently engaged in such violence. Provide the name of the person who engages in domestic violence.

NOTE: The applicant must certify that the person who engaged in such violence will not reside with the applicant family, unless the PHA has given advance written approval. If the family is admitted, the PHA may deny or terminate assistance to the family for breach of this certification.

Domestic violence means actual or threatened physical violence directed against one or more members of the applicant's family by a spouse or other member of the applicant's household. The violence must have occurred recently or is of a continuing nature.

- (v) Family members provided information to a law enforcement Agency about the persons involved in such violence and based on a threat assessment, a law enforcement Agency recommends re-housing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.
- (vi) One or more members of the applicant's family are or recently have been the victim of one or more hate crimes and the applicant needs to vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.

*Hate crime* means actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the person's race, color, religion, sex, national origin, handicap, or family status.

## 2) **Elderly and/or Handicap - See page A19**

a) Relevant Information to Verify:

(1) Where he or she lives.

- Who owns the property?
- With whom he or she lives.

(2) Income

- Source of the income
- Amount
- Who receive it?

(3) Kind of handicap

- Doctor's certification (form provided by us)

(4) Why he or she is not eligible for The Villalba Elderly Apartments.

(3) **Working families:**

a) Relevant Information to Verify:

- Employer
- Date hired
- Permanency

**Number two (2)**

(1) Homelessness

a) Relevant Information to Verify



- If the family lacks a fixed, regular and adequate night time residence or has a primary night time residence that is:

a supervised publicly/private operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing)

an institution that provides a temporary residence for individuals intended to be institutionalized or a public/private place not designed for, or ordinarily used for sleeping by human beings.

Homeless family does not include an individual imprisoned or otherwise detained pursuant to an Act or Congress or a State law.

The unit is dilapidated because it:

- does not provide safe and adequate shelter, and endangers the health,safety,or well-being of a family, or
- has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. (The defects may involve original Construction, or they may result from continued neglect or lack of repair, or from serious damage to the structure.)

b) Acceptable Forms of Verification

- (1) Verification from a unit or Agency of city of government or from an applicant's present landlord that the applicant's unit is "substandard housing"
- (2) In the case of a "homeless" family, a verification of this status from a public or private facility that provides shelter for such individuals, or from the local police department or social services

agency.

**INDICATE DEFECT:**

Does not have operable indoor plumbing;

Does not have a useable flush toilet in the unit for the exclusive use of the family;

Does not have a useable bathtub/shower in the unit for the exclusive use of the family;

Does not have electricity, or has inadequate or unsafe electrical service;

Does not have a safe or adequate source of heat;

Should, but does not, have a kitchen or

Has been declared unfit for habitation by an Housing Agency or unit of government.

NOTE: Single Room Occupancy (as defined by 24 CFR 982.102) is not substandard solely because it does not contain sanitary or food preparation facilities or both.

(2) Persons who live in Villalba

a) Relevant information to verify

- The applicant must be living in Villalba for at least one year prior to apply for the Program.

T. Verification of *Handicap/Disability* Status

IMPORTANT: The verification should request the third party to identify any of the relevant definitions that apply to the individual. Any other request for information about the individual is not relevant (e.g., diagnosis; treatment plan)

YES  
NO

- 1) A person having a physical or mental impairment that:
- a. Is expected to be a long-continued and indefinite duration;
  - b. Substantially impedes the person's ability to live independently; and
  - c. Is such that the person's ability to live independently could be improved by more suitable housing conditions.

YES  
NO

- 2) A person with a physical impairment that:
- a. Is expected to be of long-continued and indefinite duration;
  - b. Substantially impedes the person's ability to live independently
  - c. Is such that the person's ability to live independently could be improved by more suitable housing conditions.

YES  
NO

- 3) the person has a disability as defined in

Section 223 of the Social Security Act: An inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

NOTE: Receipt of veteran's disability benefits does not automatically qualify person as disabled, because the Veterans Administration and Social Security Administration define disabled differently. Applicants who meet Social Security's definition of disabled are considered disabled even if they do not receive Social Security benefits.

U. Citizen/Eligible Immigration Status

ALL members of household must sign a declaration stating whether they are:

- ( i) *U.S. Citizen*

- (ii) *Eligible Non-Citizen*
- (iii) *Ineligible Non-Citizen*
- (iv) *Not Contending Eligibility*

Household members who claim eligible citizen status do not have to prove such status.

If any member of the household claims they are an **eligible non-citizen**, Occupancy Specialist must:

- (i) receive documentation to support such claim
- (ii) verify the claim with the U.S. *Immigration and Naturalization Service (INS)*

Acceptable forms of verification of *eligible immigration status* include:

**Form I-551: *Alien Registration Receipt Card*** (for permanent resident aliens). This form is sometimes called a resident alien card;

**Form I-151: *Alien Registration Receipt Card*** (for permanent resident aliens-**issued prior to 1979**). **This form will no longer be valid after March 20, 1996**, and it isn't listed on the declaration form that household members must return to you. HUD instructions state this form is acceptable documentation while it is still valid. No follow-up is required after the expiration date.

**Form I-94: *Arrival-Departure Record***, marked with one of the following:

- : *Admitted as Refugee Pursuant to Section 207";*
- : *Section 208 or Asylum;*
- : *Section 243(h) or Deportation stayed by Attorney General; or*
- : *Paroled Pursuant to Sec.12(d)(5) of the INA.*

**Form I-94: *Arrival-Departure Record***, **with none of the above words marked on it** but accompanied by one of the following documents:

- : A final court decision-granting asylum (with no appeal taken);
- : A letter from an INS asylum officer granting asylum (if the asylum application was filed on or after Oct. 1, 1990), or from an INS district director granting asylum (if the application was filed before Oct. 1, 1990);
- : A court decision granting withholding of deportation; or

: A letter from an asylum officer granting withholding of deportation (if the application was filed on or after Oct-1, 1990).

**Form I-688:** *Temporary Resident Card*, which must be marked with the words *Section 245A or Section 210*;

**Form I-688B:** *Employment Authorization Card*, which must be marked with the words *Provision of Law 274a. 1 2(I 1 ) or Provision of Law 274a.12*;

**A receipt issued by the INS** indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.

! An original of the applicable INS document must be submitted to management for **each** household member claiming eligible non-citizen status to prove that they have such status.

! PHA/owner are to photocopy the original document and return it to household members.

! Housing Representative must also obtain a *signed verification consent form* that allows you to verify the claim of eligible *immigrant status* with the INS.

V. **Required Warning Statement for Each Verification Form**

Each verification form must include the following statement:

***PENALTIES FOR MISUSING APPLICANT AND TENANT INFORMATION:***

*Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper use of information collected from the applicant or tenant. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or tenant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or tenant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use.*



## **Exhibit 2: Income Types Policy and Procedures**

### **Municipality of Villalba Housing Agency**

Procedures and Methods of Third Party Verification, the lower level verification method imposes a higher burden of compliance of verification to program staff.

<b>Upfront Income Verification (UIV)</b>	<b>Highest level of verification preferred</b>
<b>Written 3<sup>rd</sup> Party</b>	<b>High level of verification preferred</b>
<b>Oral 3<sup>rd</sup> Party</b>	<b>Medium level of verification preferred</b>
<b>Document Review</b>	<b>Medium-Low level of verification preferred</b>
<b>Tenant Self Declaration</b>	<b>Low level of verification preferred (use as last resort only)</b>

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Self-Employment	Not Available	The Agency mails or faxes a verification form directly to sources identified by the family to obtain income information.	The Agency will call the source to obtain income information.	The Agency will accept any documents(i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income.  Note: The Agency will document in the tenant file, the reason third party verification was not obtained.	The Agency will accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self employment.  Note: The PHA must document in the tenant file, the reason third party verification was not available.
Social Security Benefits	Use of HUD Tenant Assessment System (TASS) to obtain current benefit history and discrepancy reports.	The Agency mails or faxes a verification form directly to the local SSA office to obtain social security benefit information.  (Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHA's to use TASS.)	The Agency will call SSA, with the tenant on the line, to obtain current benefit amount.  (Not Available in some areas because SSA makes this data	The Agency may accept an original SSA Notice from the tenant.  Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly social security benefits.  Note: The Agency will document in the tenant file, the reason third party verification was not available.



Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The Agency mails, faxes or e-mails a verification Form directly to the local Social Services Agency to obtain welfare benefit information.	<p>available through TASS. SSA encourages PHA's to use TASS.)</p> <p>The Agency will call the local Social Services Agency to obtain current benefit amount(s).</p>	<p>The Agency will review the original award notice or printout from the local Social Services Agency provided by the tenant.</p> <p>Note: The Agency will document in the tenant file, the reason third party verification was not available.</p>	<p>The Agency will accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits.</p> <p>Note: The Agency will document in the tenant file, the reason third party verification was not available.</p>
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**Verification of Employment Income:** The Agency must obtain as much information as possible about the employment, to include but not limited to; start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form.

**Effective Date of Employment:** The Agency must always confirm start and termination dates of employment.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Child Support	Use of agreement with the local Child Support Enforcement Agency to obtain current child support amount and payment status electronically, by mail or fax or in person.	The Agency mails, faxes or e-mails a verification Form directly to the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The Agency will call the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The Agency will review the original court order, notice or printout from the local Child Support Enforcement Agency provided by the tenant to verify current child support amount and payment status.  Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares current child support amount and payment status.  Note: The Agency will document in the tenant file, the reason third party verification was not available.
Unemployment Benefits	Use of computer matching agreements with the State Wage Information Collection Agency to obtain unemployment compensation electronically or by mail or fax or in person.  Use of HUD systems, when available.	The Agency mails, faxes, or e-mails a verification Form directly to the State Wage Information Collection Agency to obtain unemployment compensation information.  The Agency mails, faxes, or e-mails a verification Form directly to the pension provider to obtain pension information.	The Agency will call the State Wage Information Collection Agency to obtain current benefit amount.  The Agency will call the pension provider to obtain current benefit amount.	The Agency will review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant.  Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares unemployment benefits.  Note: The Agency will document in the tenant file, the reason third party verification was not available.
Pensions	Use of computer matching agreements with a Federal, State, or Local Government Agency to obtain pension information electronically, by mail or fax or in person.			The Agency will review an original benefit notice from the pension provider provided by the tenant.  Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares monthly pension amounts.  Note: The Agency will document in the tenant file, the reason third party verification was not available.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Assets	Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax or in person.	The Agency mails, faxes, or emails a verification form directly to the source to obtain asset and asset income information.	The Agency will call the source to obtain asset and asset income information.	The Agency will review original documents provided by the tenant.  Note: The Agency will document in the tenant file, the reason third party verification was not available.	The Agency will accept a notarized statement or affidavit from the tenant that declares assets and asset income.  Note: The Agency will document in the tenant file, the reason third party verification was not available.
Comments	The Agency will make every available effort to secure wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process.	When the independent source completes the verification form(s) and returns the form(s) directly to the Agency.  The tenant will not hand carry documents to or from the independent source.	The Agency will document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The Agency will use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful.  Notarized statement will include a perjury penalty statement.